



*W.P(MD)No.12606 of 2012*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2022**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.12606 of 2012**

**and**

**M.P(MD)No.2 of 2012**

Anjammal

... Petitioner

Vs.

1.The District Collector,  
Thanjavur District,  
Thanjavur.

2.The Tahsildar,  
Orathanadu Taluk,  
Orathanadu,  
Thanjavur District.

3.U.Gomathi

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order in Na.Ka.No.27186/2012/Vu(3), dated 09.08.2012 passed by the first respondent and quash the same.



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For Petitioner : Mr.G.Karnan  
For R-1 & R-2 : Mr.P.Thambidurai  
Government Advocate  
For R-3 : No appearance

### **ORDER**

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, revenue recovery proceedings have been initiated as against the husband of the writ petitioner for non-compliance of maintenance order passed in C.M.P.No. 1706 of 2007 by the learned Judicial Magistrate, Orathanadu.

2. According to the learned Counsel for the writ petitioner, she is the legally wedded wife of one Muthu @ Kasinathan. The third respondent herein had obtained an order of maintenance for her child alleged to be her child through the husband of the writ petitioner. Since the said maintenance order was not complied with, the property of the husband of the writ petitioner is sought to be brought to auction. In the mean time, the husband of the writ petitioner had also passed away. In the above said circumstances, the petitioner has challenged the order,



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dated 09.08.2012, under which, the properties of her late husband are being brought to public auction under the Revenue Recovery Act.

3. Though the third respondent has been represented through the learned Counsel, there was no representation on so many occasions. Now, the learned Counsel for the writ petitioner submits that she will make arrangements to deposit the maintenance amount as per the order of the learned Judicial Magistrate, Orathanadu in C.M.P.No.1706 of 2007 on or before 15.10.2022. On such deposit, the impugned order shall stand set aside. In view of the above said submissions, this Court passes the following order:

*"(i) The petitioner is directed to deposit the maintenance amount before the learned Judicial Magistrate, Orathanadu in C.M.P.No.1706 of 2007 on or before 15.10.2022.*

*(ii) On such deposit, the impugned order initiating revenue recovery proceedings shall stand set aside.*



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*(iii) In case, if the amount is not deposited on or before 15.10.2022, the first respondent is entitled to proceed in pursuance to the impugned order.*

*(iv) Till 15.10.2022, the impugned order shall be kept in abeyance".*

4. With the above said observations, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

**13.07.2022**

Index : Yes / No  
Internet : Yes / No  
btr



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To

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**R.VIJAYAKUMAR, J.**

btr

Order made in  
**W.P(MD)No.12606 of 2012**

**13.07.2022**