



W.P.No.2280 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2280 of 2023

and

W.M.P.Nos.2353 and 2355 of 2023

M/s.Omvishkar Exports

... Petitioner

Vs.

1.The District Collector,
Chennai District.

2.The Tahsildar,
Pursaiswakkam Taluk,
Chennai.

3.The Chennai Fishing Harbour Management Committee,
Chennai Port Trust, Old Administrative Building,
4th Floor, No.1, Rajaji Salai,
Chennai – 600 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order dated 29.09.2022 in Letter No.FHMC3/0131/2008/E of the 3rd respondent



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and the Demand Notice dated 22.12.2022 in Letter No.A3/2870/2022 and demand notice-2 dated 06.01.2023 in Na.Ka.No.A3/054/2023 of the 2nd respondent and quash the same.

For Petitioner	: Mr.L.Palanimuthu
For R1 & R2	: Mr.T.Arunkumar, Additional Government Pleader
For R3	: Mr.V.Vijaya Baskar

ORDER

The Writ Petition has been instituted challenging the Demand Notices dated 22.12.2022 and 06.01.2023 issued by the Tahsildar.

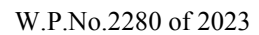
2. It is not in dispute that the writ petitioner was the tenant and the subject property belonging to the 3rd respondent / the Chennai Fishing Harbour Management Committee. The petitioner had committed default in payment of rent and action was initiated by the 3rd respondent based on the lease conditions and an order was passed. The 3rd respondent requested the District Collector to recover the arrears of rent by invoking the provisions of the Revenue Recovery Act. The District Collector accordingly directed the



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jurisdictional Tahsildar to issue demand notice and to recover the arrears of rent due to the 3rd respondent from the writ petitioner. Pursuant to the order passed by the District Collector, Chennai, the Tahsildar issued the impugned demand notice to recover the arrears of rent from the petitioner.

3. The said demand notice issued by the Tahsildar is only consequential proceedings for the actions instituted based on the default in payment of rent committed by the writ petitioner against the 3rd respondent. As far as the Tahsildar is concerned, he is the competent authority under the Revenue Recovery Act and there is no cause exist for the petitioner against the demand notice. The original order passed by the 3rd respondent would alone provide cause for challenge and the absence of challenging the said order declares that the petitioner has defaulted in payment of rent and therefore, the petitioner is entitled to pay the arrears of rent. However, in the present case, the demand notices issued by the Tahsildar alone are under challenge.



5. Thus, there is no infirmity in respect of the demand notices issued by the Tahsildar on the instructions of the District Collector. The petitioner shall approach the 3rd respondent for the purpose of settling the arrears of rent based on the original order passed against the petitioner. It is brought to the notice of this Court that the petitioner had already been evicted from the subject premises.



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6. Accordingly, this Court do not find any infirmity in respect of the demand notices and consequently, the Writ Petition stands dismissed.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

23.08.2023

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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