



W.P.No.7844 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7844 of 2023

The Municipal Commissioner,
Thiruvathipuram Municipality,
Cheyyar Taluk, Tiruvannamalai District.

...Petitioner

Vs.

1. The Tahsildar,
Cheyyaru Pin code-604 407,
Tiruvannamalai District.

2. Chitra

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to forthwith initiate revenue recovery proceedings against the 3rd respondent as per the proceedings in U3/111995/2022 dated 06.10.2022 of the 1st respondent within a time limit to be specified by this Honble Court.

For Petitioner : M/s.Sunantha
for M.Elumalai

For Respondent : Mr.E.Veda Bagath Singh, SPL.GP, for R1.



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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to initiate revenue recovery proceedings as against the 2nd respondent as per the proceedings of the District Collector, Tiruvannamalai bearing No.U3/111995/2022 dated 06.10.2022 .

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the 1st respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the 2nd respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that the Thiruvathipuram Municipality had floated tenders for various items of works, including collection of toll from the vehicle owners visiting the weekly market for a period of 3 years from 2018-2021, in which, the 2nd respondent had also participated and



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submitted her bid on 02.04.2018 and she was declared as the highest bidder and the contract was awarded in her favour. Thereafter, the 2nd respondent was called upon to pay a sum of Rs.18,34,771/- towards yearly lease rent and service tax and accepting the same, the 2nd respondent has also paid a sum of Rs.10,90,000/-. However, despite the continuous reminders, the 2nd respondent has not come forward to pay the balance amount of Rs.12,26,399/-. Therefore, the consent of the District Collector was sought for initiation of Revenue Recovery proceedings against the 2nd respondent and the District Collector, vide proceedings dated 06.10.2022 bearing No.U3/111995/2022 gave approval to the 1st respondent for initiating Revenue Recovery Proceedings against the 2nd respondent under Revenue Recovery Act. Pursuant to which, the petitioner had also written a letter, vide R.O.C.No.073/2018/A1 dated 06.01.2023, requesting to initiate Revenue Recovery Proceedings against the 2nd respondent. However, till date, the 2nd respondent has neither implemented the order of the District Collector, nor passed orders on the petitioner's letter dated 06.01.2023. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for



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the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to implement the order of the District Collector, Tiruvannamalai dated 06.10.2022 by initiating revenue recovery proceedings as against the 2nd respondent as early as possible.

6. Learned Special Government Pleader appearing for the 1st respondent submitted that the order of the District Collector dated 06.10.2022 will be implemented within the time stipulated by this Court.

7. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to implement the order of the District Collector, Tiruvannamalai dated 06.10.2022 bearing No.U3/111995/2022 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

8. With the above observations and directions, this Writ petition stands disposed of. No costs.



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Speaking Order : Yes/ No
Index : Yes/ No

To

The Tahsildar,
Cheyyaru,
Pin code-604 407,
Tiruvannamalai District.



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M.DHANDAPANI, J.

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