



WEB COPY



W.P.No.34681 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.34681 of 2016

and

W.M.P.No.29874 of 2016

M/s.MESMER PHARMACEUTICALS,
office at Plot No.13, Mangalanagar Main Road,
Porur, Chennai – 600 116,
Rep. by its Managing Partner. ... Petitioner

Vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Tahsildar,
Thiruporur,
Kanchipuram District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents not to proceed to auction the property of the petitioner for the dues of M/s.Alfred Berg & Co. (I) Pvt. Ltd.

For Petitioner : Mr.S.Sathiyanarayanan

For Respondents : Mr.V.Ravi
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents not to proceed to auction the property of the petitioner for the dues of M/s.Alfred Berg & Co. (I) Pvt. Ltd.

2. The case of the petitioner is that, they purchased a property from M/s.Alfred Berg & Co. (I) Pvt. Ltd. by way of a sale deed dated 25.03.2015 vide document No.4054 of 2015. However, it appears that prior to that, some of the employees of the vendor of the petitioner Company filed a claim petition before the Labour. The Labour Court passed an award in favour of them to the tune Rs.95,080/- (Rupees Ninety Five Thousand and Eighty only) and the said amount was not recovered from the petitioner's vendor. Thereafter, the first respondent issued a direction to the second respondent to recover the award amount under the Revenue Recovery Act, pursuant to which, the second respondent issued notice to the petitioner Company. Hence, the petitioner Company has filed the above writ petition before this Court.



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3. The learned counsel for the petitioner submits that, the petitioner Company, without prejudice to their rights, is ready to pay the award amount of Rs.95,080/- before the second respondent with liberty to recover the same from the petitioner Company's vendor. Accordingly, he prays for appropriate orders.

4. On the above contentions, this Court, heard the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. In view of the fair submissions made by the learned counsel for the petitioner Company, this Court, without going into the merits of the case, directs the petitioner Company to deposit a sum of Rs.95,080/- before the second respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. On such deposit, the second respondent is directed to recall the Revenue Recovery proceedings initiated as against the petitioner Company. Further, the petitioner Company is at liberty to work out the remedy for realising the aforesaid amount from its vendor in the manner known to law.



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M.DHANDAPANI, J.

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6. With the above directions, this Writ Petition is disposed of . No costs. Consequently, the connected miscellaneous petition is closed.

11.07.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Tahsildar,
Thiruporur,
Kanchipuram District.

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