



W.P.No.16704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16704 of 2023

and W.M.P.No.15992 of 2023

K.Kanthasamy

. . . Petitioner

Vs.

1. The District Collector
O/o Tiruppur Collectorate,
Tiruppur District.

2. The Thasildar,
Thasildar Office,
Dharapuram, Tiruppur (Dt)

3. The Manager,
New India Assurance Company Limited,
No.1360A, T.P.HUB Office,
First Floor Amman Complex,
EVN Road, Erode District.

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent pertaining to his proceedings in Na.Ka.No.566/2021/A7 dated 19.10.2022 and quash the same.



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For Petitioner : M/s.M.Murugesan
For Respondents : Mr.E.Veda Bagath Singh,
Special Government Pleader
for R1 & R2.

ORDER

Aggrieved by the impugned order of the 2nd respondent, the petitioner is before this Court.

2. It is the case of the petitioner that he purchased a mini door vehicle bearing Registration No.TN 03 5346 for the purpose of carrying agricultural products to the market and the said vehicle insured with the New India Insurance Company limited. On 07.05.2014, the petitioner met with an accident, due to which, one person sustained a minor injury and he was admitted in the hospital and thereafter discharged on the very same day. However, the victim filed a case against the petitioner and the insurance company in MCOP.No.642/2014 before the Fast Track Court at Dharapuram, Tiruppur District, wherein the award was passed directing the Assurance Company to pay a sum of Rs.1,05,083 along with interest @ 7.5% and the same to be recovered from the petitioner/owner of the vehicle.



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In the light of the award passed, the impugned notice under the Revenue Recovery Act has been issued to the petitioner by the 2nd respondent. Challenging the same, the petitioner is before this Court.

3. Learned counsel for the petitioner submits that though the present impugned notice has been issued pursuant to the award passed by the trial court, however, the petitioner was not given an opportunity of hearing before issuing the notice. Hence, the impugned notice which is under challenge in this Writ Petition is not sustainable. Accordingly, the same is liable to be interfered with.

4. On the above contention, this Court heard the learned Special Government Pleader appearing on behalf of the respondents 1 & 2 and perused the materials available on record.

5. Admittedly, the trial court had passed an award in MCOP.No.642/2014 directing the Insurance Company to pay the compensation amount to the victim and to recover the same from the petitioner/owner of the vehicle. The petitioner/owner of the vehicle had



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remained ex-parte before the Tribunal. Therefore, if at all the petitioner has any grievance, proper course open for the petitioner is to challenge the award in the manner known to law. Without challenging the award, the petitioner cannot challenge the consequential notice. Hence, the prayer sought for in this Writ Petition cannot be acceded to.

6. Accordingly, this Writ Petition stands dismissed granting liberty to the petitioner to challenge the award passed by the trial court in the manner known to law. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No

NHS



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M.DHANDAPANI, J

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