



W.P.No.21574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21574 of 2023

C.Periyasamy

Vs.

... Petitioner

1. The District Collector,
Erode District,
Erode - 638 011.
2. The Thasildar,
Moddakurichi Taluk,
Erode District - 638 104.
3. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Salem.
4. The Management,
P.F.65, Modakkurichi Circle Teachers and Public
Servants Co-operative Thrift and
Credit Society Limited,
Represented by its Administrator,
Modakkurichi - 638 104,
Erode District.

... Respondents



W.P.No.21574 of 2023

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to recover Rs.11,11,635/- from the fourth respondent pursuant to the Revenue Recovery Certificate bearing R.No.B4/6110/2017 dated 06.11.2017 issued by the third respondent as arrears of Land Revenue and pay the same to the petitioner as per order in P.S.A.No.8 of 2016 dated 22.05.2017 within a time frame stipulated by this Court and in accordance with law.

For Petitioner : Mr.Balan Haridas

For Respondents : Mrs.S.Senthil Selvi
Government Advocate for R1 to R3

ORDER

This Writ Petition has been filed for a direction to the respondents 1 and 2 to recover a sum of Rs.11,11,635/- from the fourth respondent pursuant to the Revenue Recovery Proceedings bearing R.No.B4/6110/2017 dated 06.11.2017 initiated by the third respondent as arrears of Land Revenue and pay the same to the petitioner as per order in P.S.A.No.8 of 2016 dated 22.05.2017 within a time frame stipulated by this Court and in accordance with law.

2. Since no adverse order is going to be passed, notice to the fourth respondent is dispensed with.



W.P.No.21574 of 2023

WEB COPY

3. The case of the petitioner is that he joined in the fourth respondent Society on 16.06.1990. While he was working as Secretary, he was placed under suspension on 30.01.2015 and at that time of suspension, his wages was Rs.59,287/-. However, subsistence allowance was not paid. Therefore, the petitioner filed P.S.A.No.8 of 2016 claiming subsistence allowance for the period from 30.01.2015 to 31.10.2016 before the third respondent and the same was allowed by directing the fourth respondent to pay a sum of Rs.11,11,635/-. However, subsistence allowance computed was not paid and in such circumstances, the third respondent issued Revenue Recovery Proceedings dated 06.11.2017 directing the first respondent to recover a sum of Rs.11,11,635/- from the fourth respondent Management and pay the same as arrears of Land Revenue. Pursuant to the same, the first respondent by its proceedings dated 21.11.2017 directed the second respondent to recover Rs.11,11,635/- from the fourth respondent. The fourth respondent filed W.P.No.31688 of 2017 challenging the order in P.S.A.No.8 of 2016 and an order of the first respondent dated 21.11.2017 and the same was disposed by holding that the fourth respondent has



W.P.No.21574 of 2023

WEB COPY

approached this Court without exhausting the appeal remedy and the fourth respondent was given liberty to file an appeal before the Competent Authority. In such circumstances, the petitioner had been representing to the first respondent to recover the amount in terms of the Revenue Recovery Proceedings. However, the respondents 1 and 2 have not recovered the amount from the fourth respondent. Hence, the petitioner has filed the present Writ Petition with the aforesaid prayer.

4. Though very many grounds have been raised in the present Writ Petition, it would suffice, if this Court issues a direction to the first respondent to conclude the Revenue Recovery proceedings initiated by the third respondent dated 06.11.2017 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the official respondents has no serious objection for such an order being passed by this Court.



W.P.No.21574 of 2023

WEB COPY

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to conclude the Revenue Recovery Proceedings initiated by the third respondent dated 06.11.2017 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as fourth respondent.

7. With the above direction, this Writ Petition is disposed of. No costs.

21.07.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



W.P.No.21574 of 2023

WEB COPY

To

1. The District Collector,
Erode District,
Erode - 638 011.
2. The Thasildar,
Moddakurichi Taluk,
Erode District - 638 104.
3. The Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Salem.
4. The Administrator,
The Management,
P.F.65, Modakkurichi Circle Teachers and Public
Servants Co-operative Thrift and
Credit Society Limited,
Modakkurichi - 638 104,
Erode District.



WEB COPY



W.P.No.21574 of 2023

M.DHANDAPANI, J.

vji

W.P.No.21574 of 2023

21.07.2023