



W.P.No.8516 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.8516 of 2017
and WMP No.9297 of 2017

E.K.Ranjit

... Petitioner

-Vs-

1. The District Collector,
Chennai District,
Singaravelar Maaligai,
Rajai Salai,
Chennai – 600 001.

2. The Tahsildar,
Puraswalkam Taluk,
Chennai – 600 003.

3. The Chief Commercial Manager,
Passenger Services and Catering,
Southern Railway Head Quarters,
Park Town, Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to call for the records of the 1st respondent in Pro.No.G2/51178/2017 dated 17.03.2017 and quash the same as illegal, arbitrary, without jurisdiction and against the principles of natural justice.



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For Petitioner : Mr.K.Soundararajan

For Respondents : Mr.T.Arunkumar
Additional Govt. Pleader (for R1 & R2)

Mr.P.T.Ramkumar, (for R3)
Standing Counsel for Railways

ORDER

The proceedings of the District Collector, Chennai, authorising the Tahsildar, Purasaiwalkam Taluk to invoke the provisions of the Tamil Nadu Revenue Recovery Act, to recover the dues, is under challenge in the present writ petition.

2. The petitioner states that he is running a hotel as a Proprietary concern. His father was running a pantry car in the Southern Railways by getting due licence from the Railways. The father of the petitioner had not settled the dues to the Southern Railways and the authorities competent of the Southern Railways initiated action for recovery of the dues to be paid to the Railways.

3. After determining the dues, the Railway authorities have addressed the District Collector, Chennai to invoke the Revenue



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Recovery Act for the purpose of recovery of dues to the Railways. The District Collector, inturn authorised the Tahsildar, Purasawalkam Taluk, to invoke the provisions of the Revenue Recovery Act, to recover the dues to be paid to the Southern Railways.

4. The learned counsel for the petitioner states that the dues of the Railways, ought to be recovered by invoking the Central Act and therefore, the District Collector, Chennai, has no authority to invoke Tamilnadu Revenue Recovery Act, 1864 for the purpose of recovering the dues to be paid by the deceased father of the petitioner to Southern Railways. That apart, the petitioner states that he has not inherited any property from his deceased father and therefore, he is not liable to pay the dues to the Southern Railways.

5. All these disputed facts are to be adjudicated and if at all the petitioner is having any documents or otherwise in this regard, he has to place it before the competent authorities, challenging the orders passed by the Southern railways, fixing liability regarding the dues.



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6. Further, in respect of all such disputed issues, the competent authorities have to enquire into and the High Court cannot take any decision in such issues.

7. This being the factum, the petitioner is at liberty to approach the authorities thereby responding to the notice issued under the Tamil Nadu Revenue Recovery Act.

8. With these observations, the Writ Petition stands disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

31.03.2023

Index: Yes/No
Speaking/Non-speaking order.
Neutral Citation: Yes/No.
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To
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S.M.SUBRAMANIAM, J.

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