



W.P.(MD)No.1152 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.1152 of 2016

and

W.M.P.(MD)No.960 of 2016

K.Ramakrishnan

... Petitioner

versus

1. The District Collector,
Office of the District Collector,
Pudukottai District.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Pudukottai District.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aranthangi,
Pudukottai District.
4. The Tahsildar,
Office of the Tahsildar,
Aranthangi,
Pudukottai.



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5. The Branch Manager,
M/s.Tamil Nadu Small Industries
Development Corporation Limited,
SIDCO Industrial Estate,
Thanjavur Road,
Ariyamangalam, Trichy – 10.

6. K.Panneerselvam

7. Manjuladevi

8. R.Shajahan

9. S.Karuppiah

10. Murugaiyan

11. M.Abdulla Ibrahim

12. G.Shanmugasundaram

13. A.K.Narayanan

14. N.Ganesan

15. K.Subbaraman

16. S.Mohamed Gani

... Respondents

(Respondents 5 to 16 impleaded vide order
dated 12.04.2016 in W.M.P.(MD)No.3970 of 2016)



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.5609/12/D4 dated 23.03.2012 issued by the 1st respondent and quash the same and consequently, direct the respondents not to initiate the Revenue Recovery Proceedings against the petitioner.

For Petitioner : Mr.R.Senthil Kumar
For R1 to R4 : Mr.J.K.Jeyaseelan,
Government Advocate

ORDER

This writ petition is filed by one K.Ramakrishnan, who was a Partner of M/s.Polytex Industries that he retired from the Partnership Firm long back, however, revenue recovery proceedings was initiated against him.

2. It is brought to the notice of this Court that a similar writ petition was filed by three other partners of the said company in W.P. (MD)No.6045 of 2015 and this Court dismissed the writ petition by order dated 16.12.2019 as hereunder:



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“4. Having regard to the nature of impugned order, whereby, it was informed by the Tahsildar, Aranthangi, that proceedings would be initiated, in case, the amount due to M/s.SIDCO is not settled. It is admitted that the petitioners and their partners have availed loan from M/s.SIDCO and that a sum of Rs.11,02,273/- is due. Without disputing the quantum, that is stated to be due from the petitioners, petitioners submit that they are not liable as they have retired from the Partnership Firm, which is liable to make the payment.

5. The petitioners admitted that the amount was borrowed from M/s.SIDCO for carrying on business. The petitioners have not stated that they had retired from the Partnership Firm long before the borrowal. No steps have been taken to serve notice to private respondents. The loan would have been secured by mortgage or by personal guarantee. The object of Writ Petition appears to be for stalling the recovery, as they have not disclosed any other security. In such circumstances, this Court do not find any merits in this writ petition. Accordingly, this writ petition is dismissed as devoid of merits.



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However, it is open to the petitioners to raise an objection, if they are personally made liable at the appropriate stage. No costs. Consequently, connected miscellaneous petitions are closed.”

3. Accordingly, this writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Pudukottai District.
2. The District Revenue Officer,
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Pudukottai District.



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