



W.P(MD)No.30090 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30090 of 2023

V.Venkadasamy

... Petitioner

Vs.

1.The Secretary to Government,
Home (Courts II A) Department,
Government of Tamil Nadu,
Chennai-600 009.

2.The District Revenue Officer/Competent Authority,
Thoothukudi District,
Thoothukudi.

3.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to implement the order of the 2nd respondent dated 15.06.2022, based on the petitioner's representation dated 11.09.2023 within time frame.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

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Heard both sides.

2. The only relief sought for by the petitioner is implementation of the proceedings dated 07.12.2021 issued by District Revenue Officer, Thoothukudi. The third respondent is subordinate to the second respondent. The third respondent is obliged to implement the same. My attention is drawn to the earlier order dated 29.11.2021 made in W.P.(MD)No.19268 of 2020. It reads as follows:-

“Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was running the financial establishments. He had collected deposits from the general public. He committed default. Therefore, the petitioner was prosecuted in C.C.No.97 of 2008 on the file of the Special Court for TNPID Act cases, Madurai. The said case ended in acquittal.

3.The petitioner's counsel, on instructions, asserts before this Court that all the deposits have been settled and that there is not even a single claim pending against the petitioner herein. The said submission made by the petitioner is recorded. I make it clear that if this statement turns out to be incorrect, the petitioner will be visited with severe consequence for having made a false statement before this Court. It is also seen that the attachments effected against the petitioner's properties have been raised. However, the possession is yet to be handed over to the petitioner. The petitioner has given a representation in this regard. It is not the case of the respondents that any prosecution is still pending against the petitioner. Even the



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attachments have been raised. Therefore, it is only just and proper that the possession is also handed over to the petitioner without any delay.

4. Therefore, the first respondent is directed to pass orders on the petitioner's representation on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed accordingly. No costs.”

3. Pursuant to the aforesaid direction only, the District Revenue Officer passed the order dated 07.12.2021. I fail to understand as to why the third respondent is delaying the matter. The third respondent shall comply with the District Revenue Officer's direction forthwith and without any delay.

4. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

1. The Secretary to Government,
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2. The District Revenue Officer/Competent Authority,
Thoothukudi District,
Thoothukudi.
3. The Revenue Divisional Officer,
Kovilpatti Revenue Division,
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Thoothukudi District.



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G.R.SWAMINATHAN, J.

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