



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2023 of 2021

and

W.M.P.No.2291 of 2021

T.Angeshwari

... Petitioner

Vs.

The Tahsildar,
Alathur Taluk Office,
Permbalur District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the memorandum dated 17.08.2020 Na.Ka.A5/3499/2015 issued by the respondent to the petitioner and quash the same.

For Petitioner : Mr.Harish for Mr.D.Ashok Kumar

For Respondent : Mr.T.Arunkumar,
Additional Government Pleader



ORDER

The proceedings initiated under the Tamil Nadu Revenue Recovery Act by the Tahsildar, Alanthur in Memo dated 17.02.2020 is sought to be quashed in the present writ petition.

2. Mr.Harish, learned counsel for the petitioner would submit that no reason has been stated in the order impugned. In the absence of any such reason, the petitioner was not in a position to defend her case and thus, the order is to be set aside.

3. The order impugned states that the revenue loss to the Panchayat is to be recovered from the petitioner to the tune of Rs.2,86,067/-. Thus, the writ petition came to be instituted.

4. The learned Additional Government Pleader appearing on behalf of the respondents would oppose the contention by stating that the proceedings under challenge were issued under the provisions of the Tamil Nadu Revenue Recovery Act. Action was initiated to recover the Government



WEB COPY

dues based on the order passed by the District Collector. Therefore, no further reasons need to be stated in such proceedings under the Revenue Recovery Act. In the present case, the petitioner has not stated whether the order of the District Collector has been challenged or not. Thus, the writ petition is to be rejected.

5. The reference cited in the impugned order dated 17.08.2020 would reveal that the District Collector, Perambalur has passed an order in proceeding dated 23.03.2015. Thus, there is an order of recovery exist against the writ petitioner issued by the District Collector, and such order of recovery executed by the Tahsildar by invoking the provisions of the Revenue Recovery Act.

6. Therefore, the impugned Memo is only consequential proceedings initiated under the Revenue Recovery Act in continuation of the original order of recovery issued by the District Collector on 24.03.2015. Thus, the grounds raised by the petitioner that there is no reason has been stated in the order is untenable and the original order of recovery issued by the District Collector remains unchallenged.



WEB COPY

W.P.No.2023 of 2



7. Thus, the Writ Petition is not entertainable and consequently stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

08.02.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Tahsildar,
Alathur Taluk Office,
Permbalur District.



WEB COPY

W.P.No.2023 of 2



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.2023 of 2021

08.02.2024