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W.P. No.12311 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12311 of 2024 and

W.M.P. No.13412 of 2024

MBD Bus Service
Proprietor Mr.S.Y.Anvar Sheriff
Represented by Mr.Yacub Sheriff A
Son of Mr.Ahamed Sheriff
Having office at No.41, Ameen Peeran Darga Street
Arcot, Ranipet District - 632 503

... Petitioner

Vs

- 1.The District Collector
Ranipet District
NH-40, Ranipet Collector Office
Ranipet, Tamil Nadu 632 401
- 2.The Revenue Divisional Officer
NH-40, Ranipet Collector Office
Ranipet, Tamil Nadu 632 401
- 3.The Tahsildar
Arcot Taluk Office
Kalavai Cheyyar Road
Arcot, Ranipet District - 632 503
- 4.The Deputy Commissioner of Labour
Vellore-Integrated Labour Department Offices Building



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Bangalore Road, Abdulla Puram
I.T.I. Campus, Melmonavoor
Vellore - 632 010

5.B.Devaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the proceedings dated 26.12.2023 in Rc No.D4/11374/2023 passed by the 1st respondent and to quash the same as contrary to law, illegal, and arbitrary and consequently, direct the 3rd respondent herein to refrain from making necessary entries in the register maintained in Taluk Office towards recovery of a sum of Rs.5,40,000/- from the petitioner by invoking the provisions of the Tamil Nadu Revenue Recovery Act, 1864 and transmit the same to the 5th respondent.

For Petitioner : Mr.Ferdinand D.
for M/s.BFS Legal

For Respondents : Mr.P.Sathish
Addl. Govt. Pleader for R1 to R4
Mr.S.Varadharajulu for R5

ORDER

Challenge has been made to the order of the first respondent in invoking the recovery proceedings.



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2. The challenge is mainly made on the ground that an ex-parte order has been passed by the fourth respondent on 13.12.2023 and pursuant to the said ex-parte order, a recovery certificate has been issued. Challenging the same, this writ petition has been filed.

3. At this stage, the learned counsel appearing for the petitioner would submit that the 5th respondent is not an employee in their concern and the petitioner is to be given an opportunity to contest the matter before the concerned authorities. As the petitioner has already deposited 50% of the amount as directed by this court, this court is of the view that the petitioner should be given a proper opportunity to substantiate his stand before the fourth respondent.

4. Accordingly, the impugned order passed by the 1st respondent and the recovery proceedings initiated by the fourth respondent are quashed. The matter is remitted back to the fourth respondent. The fourth respondent shall give an opportunity of hearing to both sides and pass fresh orders on merits and in accordance with law, within a period of two months from the date of receipt of



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a copy of this order. Till a final order is passed, the proceedings taken pursuant to the recovery certificate already issued based on the ex-parte order, cannot be enforced.

5. With the above direction, the writ petition is disposed of. No costs.

Consequently, the connected writ miscellaneous petition is closed.

28.06.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

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5.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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