



W.P.No.31176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

**W.P.No.31176 of 2023
and WMP.No.30803 of 2023**

1.Arunn.K.R.
2.Sivakami Marikani .. Petitioners

VS

- 1.The District Collector,
Chennai District,
Collectorate, No.62, Fourth Floor,
Beach Road, George Town,
Chennai – 600 001.
- 2.The Tahsildar,
Sholinganallur Taluk,
No.1, 1st Cross Street,
New Kumaran Nagar,
Sholinganallur, Chennai – 600 119.
- 3.M/s.Mantri Technology Constellations Private Limited,
Rep. by its CMD Sushil Mantri,
“Mantri House”, No.41, Vittal Mallya Road,
Bangalore – 560 001. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondents 1 and 2 herein to recover the amount of Rs.1,58,92,057/- due to the petitioners from the 3rd respondent herein as mentioned in the recovery warrant dated 10.06.2022 issued by the adjudicating officer TNRERA.



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For Petitioners : Mr.S.V.Navin Prabhu
for Mr.K.V.Shanmuganathan
For Respondents : Mr.S.John J.Raja Singh (for R1 & R2)
Additional Government Pleader
Ms.R.Vandhana Prabhu (for R3)

ORDER

W.M.P.No.30803 of 2023 is ordered on payment of separate court fee, if not already paid.

2.The petitioner seeks a mandamus directing the first and second respondents being the District Collector and Tahsildar of Chennai to recover an amount of Rs.1,58,92,057/- due from R3 as stipulated in recovery warrant dated 10.06.2022 issued by the Adjudicating Officer of the TNRERA.

3.R2 has filed a status report conveying their efforts to execute the recovery warrant at paragraph 3 of the counter reading thus:

'3.It is respectfully submitted that the 1st Respondent has directed the 2nd Respondent herein in his letter No.G2/E-10174/2022 dated 21.09.2022 to recover the aforesaid amount from the 3rd Respondent. Thereafter, the 2nd Respondent has issued notice to the 3rd Respondent on 21.11.2022, having Reference No.A1/3347/2022. As there was no response from the 3rd Respondent, further Notices were issued by the 2nd Respondent to the 3rd Respondent on 19.12.2022 having Reference No.A1/001/2022, thereafter on 07.06.2023 having Reference No.A1/001/2022 and finally on 13.02.2024 having Reference No.A1/001/2022. Till now the 3rd Respondent has not responded. As the amount to be recovered from the defaulter 3rd Respondent



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works out to more than 1.60 Crores, the same shall be recovered only by way of attaching the immovable property held by the 3rd Respondent in Sholinganallur Village by following the procedures as per the Revenue Recovery Act. As the process to attach the immovable property would consume nearly 3 months, I humbly request the Hon'ble Court to grant 3 months time.'

4.Paragraph 3 indicates that notices have been issued to R3 on 21.11.2022, 19.12.2022, 07.06.2023 and 13.02.2024 albeit meeting with no response. R2 pleads for a period of twelve (12) weeks for execution of the warrant by way of attachment of immovable properties and is granted the same.

5.Mandamus, as sought for, is hence issued directing R1 and R2 to execute warrant issued by the TNRERA Adjudicating Authority within a period of twelve (12) weeks from date of receipt of a copy of this order and in accordance with law.

6.This writ petition stands disposed in terms of this order. No costs.

13.03.2024

Index:Yes/No
Speaking Order
Neutral Citation:Yes
vs



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To

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DR. ANITA SUMANTH,J.

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