



W.P.No.31264 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31264 of 2018

and

W.M.P.Nos.36452 & 36455 of 2018

Amudha

... Petitioner

Vs.

1. The District Collector,
Thirupur Post and District.

2. The Director of Khadhi and
Village Industries Board,
Kuralagam, Chennai-600 001.

3. The Assistant Director,
Khadi and Village Industries Board,
Thirupur Post and District.

4. The Thasildar Avinasi,
Thirupur Taluk,
Thirupur Post and District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records of the 4th respondent in his proceedings in Na.Ka.No.6013/2016/B1 dated 01/12/2016, and quash the same.



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W.P.No.31264 of 2018

For Petitioner : Mrs.G.Devi

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader,
(for R1 & R4)

Mrs.R.Uma, Senior Counsel,
(for R2 & R3)

ORDER

The action initiated under the Revenue Recovery Act by the Tahsildar, in proceeding dated 01.12.2016, is under challenge in the present writ proceedings.

2. The petitioner states that her husband Late Mr.Sivasankaran was working as Grade-I Clerk in Khadi and Village Industries Board and suffered the punishment of removal from service in the year 2004. The husband of the writ petitioner died in the year 2008, after 4 years from the date of his removal from service.

3. The learned counsel for the petitioner Smt.G.Devi would submit that after the death of the husband of the petitioner, the family is in miserable circumstances and not able to meet out their family expenditures.

The petitioner has three daughters and the son died. The petitioner is



W.P.No.31264 of 2018

leading her life by working as a daily wage employee in a company at Tiruppur. As per the learned counsel for the petitioner, the petitioner is aged about 65 years.

4. Perusal of the order impugned would reveal that recovery proceedings under the Revenue Recovery Act was initiated based on the letter of the Assistant Director of Khadi and Village Industries Board dated 30.03.2012. After a lapse of 4 years from the said letter, action was initiated through the impugned proceedings dated 01.12.2016. The husband of the petitioner who committed certain financial irregularities was removed from Board's service in the year 2004 and he died in the year 2008. The initiation of action was made after a lapse of 8 years from the date of removal from service and therefore, all further actions are to be dropped on account of enormous delay in initiation of recovery proceedings. Even after the death of the employee, it took 4 years for the Assistant Director to initiate action and further four more years lapsed for issuance of notice under the Revenue Recovery Act by the Tahsildar in the impugned proceedings dated 01.12.2016.

5. On account of enormous delay in initiation of recovery



W.P.No.31264 of 2018

proceedings and considering the fact that the husband of the petitioner, who was an employee died and further the fact remains that the petitioner is aged about 65 years and working as daily wage employee at a Company at Tiruppur, this Court is inclined to invoke the principles of equity to consider the case of the writ petitioner.

6. Accordingly, the impugned order passed by the 4th respondent Tahsildar in his proceedings in Na.Ka.No.6013/2016/B1 dated 01.12.2016 is quashed and the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



W.P.No.31264 of 2018

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W.P.No.31264 of 2018

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.31264 of 2018

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