



WEB COPY

W.P.No.29994 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.29994 of 2018

and

W.M.P. Nos.35002 and 35005 of 2018

S. Dhanasekhar S/o. Late T. Sennaiyan

... Petitioner

Vs.

1. The Tahsildar,
Tiruppur North.

2. The District Collector,
Tiruppur District.

3. The Special Officer (Revenue),
KSEB Pattom,
Thiruvananthapuram District,
Kerala.

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the 1st respondent in Na. Ka 5804/2014/A5 dated 11.09.2018 and quash the same.

For Petitioner

: Mr. Niranjan Rajagopalan,
for Mrs. Mathuvanthi Mathavan



For Respondents

: Mr. P. Balathandayutham,
Special Government Pleader
[for R1 and R2]

Mr. A. Tamilvanan
Additional Government Pleader
[for R3]

ORDER

The notice issued under the Revenue Recovery Act by the Tahsildar, Tiruppur North dated 11.09.2018 is under challenge in the present Writ proceedings.

2. No Writ against such notice is entertainable in a routine manner. A Writ against notice is entertainable only if such notice has been issued by the incompetent authority having no jurisdiction or tainted with the allegations or malafides. In the present case, the Kerala State Electricity Board, Pattom, Thiruvananthapuram has passed an order to recover the consumption charges for a sum of Rs.4,19,87,457/-. Once the Kerala State Electricity Board passed the final orders determining the consumption charges to be recovered and the said order remains unchallenged, the present Writ petition challenging the notice issued by the Tahsildar, Tiruppur under Revenue Recoveries Act, is not maintainable.



3. The learned counsel for the petitioner is unable to establish that the original order passed by the Kerala Electricity Board is challenged. The authority under the Revenue Recovery Act is empowered to recover the dues as per the original award passed by the Kerala State Electricity Board. In the present case, a mere challenge of notice issued under Revenue Recoveries Act would be insufficient and the petitioner has to contest the original order, which is not being done.

4. Therefore, the Writ petition challenging the notice issued under Revenue Recoveries Act in the absence of challenging the main award passed by the Kerala State Electricity Board is not entertainable. However, it is made clear that the petitioner is at liberty to submit his explanation documents if any, before the Tahsildar for consideration.

5. Consequently, this Writ petition stands dismissed. No order as to costs. Connected miscellaneous petitions are closed.

09.01.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
mjs



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To

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Tiruppur North.

2. The District Collector,
Tiruppur District.

3. The Special Officer (Revenue),
KSEB Pattom,
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Kerala.

S.M.SUBRAMANIAM, J.



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