



W.P.(MD) No.1491 of 2009

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Madurai Mavatta Iyckia Panchalai Thozhilalar Sangam (AITUC),
No.29(14), Ponnagaram Broadway,
2nd Cross Street,
Madurai – 16,
Represented by its General Secretary,
A.Muthaiah

... Petitioner

-VS-

- 1.Union of India,
Rep. by Secretary,
Ministry of Labour and Industries,
New Delhi.
- 2.The State of Tamil Nadu,
Rep. by Secretary to Government,
Department of Labour and Industries,
Fort. St. George,
Chennai – 9.
- 3.The District Collector,
Sivagangai District,
Sivagangai.



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4.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

5.The Assistant Manager,
State Bank of India,
Anna Salai,
Chennai – 2.

6.The Management,
Rukmani Mills,
Silaiman,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent No. 3 to recover the Monetary benefits due to the members of the Petitioner Association from the Respondent No. 6 as per the provisions of the Revenue Recovery Act and disburse the same to the Members of the petitioner Association.

For Petitioner : Mr.Vetrivel
for M/s.Lajapathi Roy & Associates

For Respondents : Mr.V.Malaiyendran
Central Government Panal Counsel for R1

Mr.S.P.Maharajan,
Special Government Pleader for R2 and R4

No appearance for R5 & R6



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent No. 3 to recover the Monetary benefits due to the members of the Petitioner Association from the Respondent No. 6 as per the provisions of the Revenue Recovery Act and disburse the same to the Members of the petitioner Association.

2. In the counter affidavit filed by the fifth respondent it is stated that the fifth respondent has initiated the SARFAESI proceedings as against the 6th respondent herein for realizing the outstanding due payable to the 5th respondent bank and further it is stated that the petitioner if aggrieved he is at liberty to challenge the auction proceedings initiated by the bank before the appropriate forum.

3. It is also brought to the notice of the Court, pending the Writ Petition, the property was brought for sale by the 5th respondent bank and in the counter affidavit filed in W.P.(MD) No.7612 of 2008, it has been stated that the



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bank has given the assurance to settle the aforesaid due amount to the aforesaid employees as per the award passed by the Labour Court. Therefore, in the aforesaid Writ Petition, this Court has passed the order, directing the District Collector, Sivagangai District to proceed in accordance with law to recover the said amount from the 5th respondent bank.

4. Even though, it is represented by Mr.K.M.Vijayakumar, learned counsel, that they are no longer holding the brief for the 5th respondent Bank, but to that effect no memo has been filed. Therefore, considering the earlier order passed by this Court in W.P.(MD) No.7612 of 2008 on 04.01.2024, we direct the third respondent District Collector to initiate further proceedings for recovery of the said amount from the 5th respondent by following the procedures as contemplated under the Revenue Recovery Act, after realizing the amount due in the mortgaged debt of the bank, as early as possible without any delay. Liberty is given to the petitioner to give additional particulars before the District Collector, Sivagangai District, within a period of two weeks from the date of receipt of a copy of this order.



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5. With the above directions, this Writ Petition stands disposed of.

No costs.

[D.K.K., J.] [R.V., J.]
04.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The Secretary,
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Union of India,
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