



W.P(MD)No.5590 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5590 of 2024
and
W.M.P(MD)No.5300 of 2024

R.Anbarasan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.The Assistant Director,
Geology and Mining Department,
Madurai.

4.The Tahsildar,
Madurai South Taluk,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records



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pertaining to the impugned notice of the fourth respondent made in Na.Ka.No.2346/2024/A6 dated 21.02.2024 and quash the same as illegal.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.S.Kameshwaran
Government Advocate

ORDER

Heard both sides.

2.The petitioner challenges the recovery notice dated 21.02.2024. It is only a consequential proceeding. The primary order was passed on 10.11.2004 by the Revenue Divisional Officer, Madurai. The petitioner appears to have filed an appeal before the first respondent. The status of the appeal is not known. In fact, the officials instructing the learned Government Advocate would state that there is nothing on record to show that any appeal was filed. But then, communication bearing Na.Ka.No /F/13781/04 dated 20.07.2008 issued by the Revenue Divisional Officer, Madurai to the Assistant Director, Geology and Mining, Madurai indicates that W.P(MD)No.2076 of 2006 was filed and it was dismissed on 20.04.2006 pendency of the appeal before the District Collector.

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3.It is not necessary to pursue this controversy. I permit the petitioner to file a fresh appeal against the order dated 10.11.2004 within a period of three weeks from the date of receipt of a copy of this order. If such an appeal is filed within three weeks, the same will be entertained by the first respondent without reference to limitation. The first respondent will give disposal on merits and in accordance with law. The impugned recovery notice shall be put on hold and it will abide by the order to be passed by the first respondent. If the petitioner fails to file appeal within three weeks, the impugned order can be enforced. I have given this direction and liberty to the petitioner since reconstruction of the appeal papers at this stage may not be possible.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 12.03.2024.

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G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Collector,
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Madurai.
- 2.The Revenue Divisional Officer,
Madurai District,
Madurai.
- 3.The Assistant Director,
Geology and Mining Department,
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