



W.P.(MD)No.10380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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N.Vadivel

... Petitioner

vs.

- 1.The Chief Executive Officer,
Tamil Nadu Kadhi and Village Industries,
Industries Board, Kuralagam, Chennai - 108.
- 2.The District Collector,
Trichy District, Trichy.
- 3.The Regional Deputy Director,
Kadhi & Village Industries,
Trichy.
- 4.The Assistant Director,
Kadhi & Village Industries, Trichy.
- 5.The Assistant Director (Panchayat),
Rural, Trichy.
- 6.The Block Development Officer,
Village Panchayat, Manachanallur Union,
Trichy District.
- 7.The President,
Thiruvellarai Panchayat,
Manachanallur Block Union, Trichy District.
- 8.Latha



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9.Kathirvel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 6 to recover the dues from the seventh respondent Panchayat, a sum of Rs. 38,762/- and consequently, direct the respondents No.1, 3 and 4 to pay the deducted amount to the petitioner based upon the petitioner's representations dated 26.08.2019 and 05.11.2020.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.J.Ashok,
Additional Government Pleader
for R2, R5
Mr.Raguvaran Gopalan
Standing Counsel for R1, R3 and R4
Mr.M.Ramesh,
Government Advocate
for R6 and R7

ORDER

Heard Mr.S.Gokulraj, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 2 and 5, Mr.Raguvaran Gopalan, learned Standing Counsel for the respondents 1, 3 and 4 and Mr.M.Ramesh, learned Government Advocate for the respondents 6 and 7.



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2. The petitioner has filed this petition seeking a Writ of Mandamus directing the respondents 1 to 6 to recover the dues i.e., Rs. 38,762/- from the seventh respondent and consequently, direct the respondents 1, 3 and 4 to pay the recovered amount to him based upon his representations dated 26.08.2019 and 05.11.2020.

3. The first respondent has passed the recovery order on 04.04.2018 by making deduction of Rs.38,762/- from the retiral benefits of the petitioner, for the sales made by the petitioner to the seventh respondent on credit basis. Since the seventh respondent did not repay the dues of their purchase made under Dewali Kadhar Special Sales Scheme, 2014, the recovery has been made against the petitioner.

4. Admittedly, the petitioner has sold the products to the seventh respondent on credit basis only in accordance with the Scheme. But, the seventh respondent did not choose to repay the same. In such circumstances, the first respondent ought to have initiated recovery proceedings only against the seventh respondent. However, a short cut



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procedure has been adopted to deduct the amount from the petitioner.

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5. Mr.M.Ramesh, learned Government Advocate appearing for the respondents 6 and 7 submitted that the seventh respondent had already remitted a partial amount towards the dues and they would also remit the remaining amount within a period of one month.

6. In such case, there cannot be any difficulty for the first respondent to recover the amount from the seventh respondent itself and relieve the petitioner.

7. It is learnt that the petitioner's representations dated 26.08.2019 and 05.11.2020 given to the second respondent in this regard have not been considered so far.

8. In view of the same, the writ petition is **allowed** and the second respondent is directed to consider the representations of the petitioner and pass orders in his favour to refund the amount recovered



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from him within a period of four weeks from the date of receipt of a copy of this order. No costs.

29.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The District Collector,
Trichy District, Trichy.
- 2.The Regional Deputy Director,
Kadhi & Village Industries,
Trichy.
- 3.The Assistant Director,
Kadhi & Village Industries,
Trichy.
- 4.The Assistant Director (Panchayat),
Rural, Trichy.
- 5.The Block Development Officer,
Village Panchayat, Manachanallur Union,
Trichy District.



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R.N.MANJULA, J.

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