



W.P.(MD)No.11262 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11262 of 2024

and

W.M.P.(MD).No.10016 of 2024

Jeyakkar Dhanacelan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Superintending Engineer – Madurai Circle,
Tamil Nadu Water Supply and Drainage Board,
Madurai 625 002.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the recovery proceedings on the basis of the distraint notice in Na.Ka.No.3616/2023/C4, dated 08.03.2024, issued by the Tahsildar, Madurai North Taluk, the second respondent and quash the same.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.A.Baskaran
Additional Government Pleader



W.P.(MD)No.11262 of 2024

WEB COPY

ORDER

The petitioner has filed this writ petition challenging the order of recovery issued by the second respondent in Na.Ka.No.3616/2023/C4, dated 08.03.2024, to recover a sum of Rs.96,235/- towards damages due to the default of the father of the petitioner.

2. Heard Mr.G.Aravinthan, learned counsel appearing for the petitioner and Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner submitted that the father of the petitioner is no more and even during the life time of the petitioner's father, he has filed a writ petition in W.P.(MD).No.9776 of 1993, challenging the order of recovery issued against him at that relevant point of time, in which an order has been passed on 01.08.2000, by quashing the order of recovery. However, liberty was given to the Tahsildar to issue notice to the petitioner to determine the damages and take further course of action. But no action has been taken until the father of the petitioner was alive. After 24 years, the second respondent has chosen to issue the impugned order stating that the amount has to be payable by him.

4. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents submitted that the order itself



W.P.(MD)No.11262 of 2024

can be treated as notice and the petitioner can make his submission in respect of determination of damages.

5. (*) In such case, it is up to the petitioner to make his submission with regard to the liability to pay the amount so demanded by the second respondent including the request for determining the same by the third respondent and on receipt of the same, the respondents 2 and 3 shall consider and pass appropriate orders in accordance with law, on its own merits. Since the impugned order has been treated as a notice, it shall not be executed until the above process is completed.

6. With the above directions, this Writ Petition is **disposed of**. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

(*)Corrected as per order of this Court dated 18/06/2024 made in W.P.(MD) NO. 11262/ 2024.

Sd/-

Assistant Registrar(C.S.I)

// True Copy //

/06/2024

Sub Assistant Registrar
(CS-I , II , III, IV)

Nsr



W.P.(MD)No.11262 of 2024

To

(*)To be substituted to the order already despatched on 12/06/2024

1.The District Collector,
Office of the District Collector, Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Superintending Engineer – Madurai Circle,
Tamil Nadu Water Supply and Drainage Board,
Madurai 625 002.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-24554[F] dated 23/05/2024)

+1 CC to M/s.SPL.GP (SR-24546[F] dated 23/05/2024)

W.P.(MD)No.11262 of 2024

22.05.2024

SL(19.07.2024)/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.