



W.P.(MD)No.15494 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.15494 of 2024

Mohan.G

... Petitioner

/Vs./

1. The District Collector
Trichy District,
Trichy.
2. The District Collector
Karur District,
Karur.
3. The Inspector of Police
District Crime Branch,
Karur.
4. Velachi Chettiyar
5. Manimegalai

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to implement the order passed by the District Judge, Karur, in CrI.A.No.42 of 2021 dated 25.11.2022 to recover a sum of Rs.45,94,640/- as compensation in terms of Section 357(3) of Cr.P.C in accordance with the provisions of the Tamil Nadu Revenue Recovery Act 1984 within the period that may be stipulated by this Court.



W.P.(MD)No.15494 of 2024

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader for R1&2

: Mrs.M.Aasha

Government Advocate (Crl.Side) for R3

ORDER

This Writ Petition has been filed for direction, directing the respondents 1 and 2 to implement the order passed by the District Judge, Karur, in Crl.A.No.42 of 2021 dated 25.11.2022, thereby, ordered compensation to the tune of Rs.45,94,640/- as compensation payable by the fourth respondent herein under Section 357(3) of Cr.P.C.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is the complainant. On his complaint, F.I.R has been registered in Crime No.20 of 2014 as against the fourth respondent herein and others. After completion of investigation, final report filed and the same has been taken cognizance in C.C.No.64 of 2015 on the file



W.P.(MD)No.15494 of 2024

of the Judicial Magistrate, Kulithalai. The trial Court acquitted all the accused. Aggrieved by the same, an Appeal has been preferred by the petitioner in C.A.No.42 of 2021 before the Principal District Judge, Karur. The Principal District Judge, Karur, allowed the appeal and found the fourth respondent guilty and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo further period of six months simple imprisonment and also ordered compensation to the tune of Rs.45,94,640/- under Section 357(3) of Cr.P.C. However, the fourth respondent failed to pay the compensation and as such, the compensation amount to be recovered from the fourth respondent under the Revenue Recovery Act. Accordingly, the learned Principal District Judge, Karur, by its communication dated 20.03.2023, issued distress warrant as against the fourth respondent, in order to recover the compensation amount under the Revenue Recovery Act, in favour of the second respondent. Even till today, the second respondent failed to execute the distress warrant. In the meanwhile, the petitioner identified some immovable property of the fourth respondent and informed to the second respondent.



W.P.(MD)No.15494 of 2024

WEB COPY

4. On verification, it was found that the said property was not belonged to the fourth respondent. However, the second respondent can very well execute the distress warrant by securing the fourth respondent under the Revenue Recovery Act.

5. In view of the above, the second respondent is directed to execute the distress warrant issued by the District Judge, Karur, in order to comply the order passed in C.A.No.42 of 2021, dated 25.11.2022 within a period of four weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition is allowed.
No costs.

26.11.2024

Internet : Yes/No
NCC : Yes / No
LS



W.P.(MD)No.15494 of 2024

WEB COPY

TO:-

1. The District Judge,
Karur.
2. The District Collector
Trichy District, Trichy.
3. The District Collector
Karur District, Karur.
4. The Inspector of Police
District Crime Branch, Karur.



WEB COPY



W.P.(MD)No.15494 of 2024

G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.15494 of 2024

Dated:
26.11.2024