



W.P(MD)No.7296 of 2018

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 08.11.2024**

**CORAM**

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

**W.P(MD)No.7296 of 2018**

**and**

**W.M.P(MD)Nos.6984 & 6985 of 2018**

S.Nirmala

... Petitioner

Vs

1.The District Collector,  
Collectorate,  
Tirunelveli District,  
Tirunelveli.

2.The Tahsildar,  
Nanguneri Taluk Office,  
Nanguneri,  
Tirunelveli District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned attachment order dated 19.01.2018 issued under Form No.5 on the file of the second respondent and to quash the same as illegal.

For Petitioner : Mr.J.David Ganesan  
for Mr.J.Ashok

For Respondents : Mr.D.Gandhi Raj  
Special Government Pleader



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**ORDER**

This Writ Petition has been filed challenging the notice issued by the second respondent under Form No.5, thereby directed to pay the award passed under the Workmen Compensation payable by her husband, failing which, the subject property will be attached.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner owned property comprised in Survey No.286 in new Survey No.1259/17 to an extent of 1215.5312 square feet situated at Kalakad, Nanguneri Taluk, Tirunelveli District.

4.As against the petitioner's deceased husband, an award was passed in W.C.No.22 of 2004 to the tune of Rs.2,36,481/- along with interest at the rate of 18%. However, the petitioner's husband failed to pay and died. Therefore, the petitioner was issued with notice under the Revenue Recovery Act, by Form



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No.5, to pay the award amount, failing which, the property owned by her will be attached.

5.The learned counsel appearing for the petitioner would submit that the petitioner is an aged widow and does not know about the award passed by the authority concerned and the petitioner was not provided with an award or any details. Further, the subject property was purchased by the petitioner and as such, she has no role to play.

6.Admittedly, under the Workmen Compensation Act in W.C.No.22 of 2004 an award was passed as against the petitioner's husband to the tune of Rs.2,36,481/- with interest at the rate of 18% p.a. Thereafter, the petitioner's husband died and as such, no amount was paid as per the award. Hence, the authority concerned had taken action to recover the said amount through the Revenue Recovery Act and instructed the second respondent to take appropriate action. Accordingly, the petitioner was served with notice under Form No.5 to recover the award amount. If the petitioner wanted to know further details, she would have approached the second respondent by this time. Even till today, the



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petitioner has not approached the second respondent and does not want to know the award passed as against the petitioner's husband. Further, whatever the liability foisted on her husband, after her husband, the petitioner is being the legal heir, she is also held liable for the liability of her husband.

7.In view of the above, this Court finds no infirmity or illegality in the notice issued by the second respondent, dated 19.01.2018. Therefore, the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

8.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

**08.11.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
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To

- 1.The District Collector,  
Collectorate,  
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Tirunelveli.
- 2.The Tahsildar,  
Nanguneri Taluk Office,  
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Tirunelveli District.



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**G.K.ILANTHIRAIYAN, J.**

ps

Order made in  
**W.P(MD)No.7296 of 2018**

**08.11.2024**