



W.P.(MD) No.20061 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20061 2024

R.Revathy

...Petitioner

-VS-

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 02.08.2024 seeking keep abeyance of Form No.4 issued by the second respondent under Revenue Recovery Act, through his proceedings in Na.Ka.No. 3343/2023/C4 dated 11.07.2024.

For Petitioner	: Mr.P.Vijaynivas
For Respondents	: Mr.D.Gandhiraj
	Special Government Pleader



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ORDER

This writ petition has been filed seeking a direction to the respondents to consider the representation of the petitioner dated 02.08.2024, through which the petitioner seeks to keep the Form No.4 issued by the second respondent under Revenue Recovery Act, in abeyance.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner suffered a decree under the Motor Vehicles Act before the Motor Accident Claims Tribunal, Irinjalakuda. The Tribunal has passed an order directing the Insurance Company to pay the compensation amount initially and then, to recover the same from the petitioner on the ground that the Crane of the petitioner has no valid permit at the time of accident. Hence, the Insurance Company has invoked the revenue recovery proceedings under the Revenue Recovery



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Act against the petitioner. In the said proceedings, notice has also been issued to the petitioner. Now the petitioner seeks to keep the said proceedings in abeyance.

4.The learned counsel for the petitioner submits that she has filed an appeal before the Appellate Authority, Kerala against the judgment and decree made by the Tribunal. He further submitted that though the pay and recovery was ordered by the Tribunal on the ground that the petitioner's vehicle had no valid permit at the time of accident, the petitioner disputed the same stating that the petitioner has the valid permit for the Crane. Hence, till the appeal filed by the petitioner is numbered, the revenue recovery proceedings shall not proceeded.

5.At the outset, this Court is of the view that such a blanket direction cannot be issued to the revenue officials. If really the petitioner is aggrieved over the decree of the Tribunal and has filed an appeal against the said decree, it is for the petitioner to canvass the appeal and establish the insurance and permit for his vehicle. Without doing so, mere filing an appeal and keeping the same pending without getting any



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orders from the appellate authority, no writ proceedings can be initiated before this Court by the petitioner, parallelly.

6.Hence, I do not find any merits in this writ petition. Accordingly, this writ petition is **dismissed**. However, the respondents shall wait for two more weeks from today (i.e., 22.08.2024) in order to enable the petitioner to get any restraint order from the appellate Authority. Within the said period, if no order is obtained by the petitioner from the appellate Court in the appeal said to have been filed by the petitioner, the revenue officials shall proceed with the revenue recovery proceedings to see its logical end. No costs.

22.08.2024

Index : Yes / No
Internet : Yes / No
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To

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Madurai District,
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N.SATHISH KUMAR, J.

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