

W.P.No.10186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.10186 of 2025
and W.M.P.No. 11434 of 2025

S.SARAVANAN

... Petitioner

Vs

THE TAHSILDAR,
ULUNDURPET TALUK,
ULUNDURPET,
KALLAKURICHI DISTRICT.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the entire records relating to the order made in Na.Ka.(A1)/1192/2025 dated 03.03.2025 on the file of the respondent.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.R.Murthi
Government Advocate

ORDER

This writ petition is filed challenging the order dated 03.03.2025 made in Na.Ka.(A1)/1192/2025.

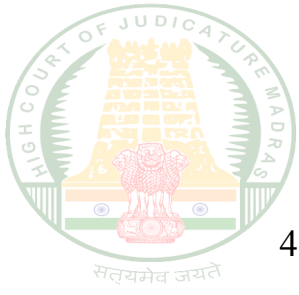
2. It is an attachment order issued in Form 5 under Section 27 of the Tamil Nadu Revenue Recovery Act, 1864. The petitioner challenges the



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notice on the ground that no demand notice was issued prior to the passing of the order. The petitioner was not even the owner of the two wheeler as on date and it is only a third party who caused the accident for which the liability is imposed on the petitioner. Even for recovering the money due under the award passed by the Motor Accidents Claims Tribunal, the authorities have to first determine the arrears by issuing a notice and only then the impugned order ought to have been passed.

3. Per contra, the learned Government Advocate appearing on behalf of the respondent on instruction submits that the accident occurred in 2016 and repeated steps have been taken under the Revenue Recovery Act. A demand letter was issued on 21.11.2024. Even thereafter, the amount remains to be unpaid. The property was already attached as per the communication dated 21.11.2024 and the same was intimated to the Sub Registrar for entry into the encumbrance records of the property. The copy of the notice was also served on the petitioner. Since the petitioner has not made any effort to pay the amount or challenge the order in the manner known to law, the further notice issued under Section 27(7) alone cannot be challenged.



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4. Accordingly, finding no merit in the writ petition, the writ petition stands disposed of. If the petitioner is aggrieved, he has to take steps against the award passed by the Motor Accident Claims Tribunal and as such ten days time is granted to the petitioner to take such steps as may be permissible under the law. During this period of ten days, the respondent shall not further precipitate the matter. Consequently, connected miscellaneous petition is closed. No costs.

26.03.2025

Neutral Citation: Yes/No
nsl

To

THE TAHSILDAR,
ULUNDURPET TALUK,
ULUNDURPET,
KALLAKURICHI DISTRICT.



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D.BHARATHA CHAKRAVARTHY, J.

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