

W.P.No.17735 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE GOVINDARAJAN THILAKAVADI

W.P.No. 17735 of 2025

and

W.M.P.No. 20005 of 2025

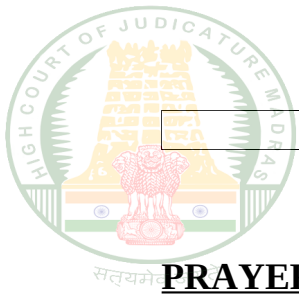
B.Shivaji

... Petitioner

Vs.

- 1.The Registrar General,
High Court of Madras,
High Court Campus, Madras - 600 104.
- 2.The Principal Secretary to Government,
Home (Court V) Department,
Fort. Saint George, Chennai – 9.
- 3.The Principal District Judge,
Dharmapuri.
- 4.The Principal Accountant General (A and E),
AG's Office (Audit) Complex,
Anna Salai, Roast Revor Garden,
Teynampet, Chennai – 600 018.
- 5.The District Treasury Officer,
Dharmapuri.
- 6.The Subordinate Judge,
Harur,
Dharmapuri District.

... Respondents



W.P.No.15422 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India parying to issue a Writ of Certiorarified Mandamus, calling for the records which culminated in the Order dated 02.12.2024 passed by the 6th respondent and all actions taken pursuant thereto and quash the same and consequently pass an order directing the respondents to return the amount that had been recovered from the petitioner under the ROC.No.613 of 2022 order dated 02.12.2022.

For Petitioner : Mr.A.Sakthivel

For Respondents : Mr.N.Palanimuthu

Standing Counsel for R1, R3 & R6

Mr.P.Anandakumar

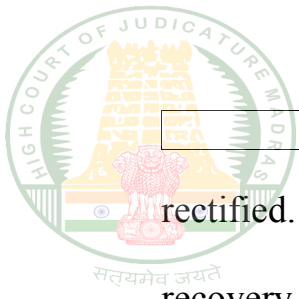
Government Advocate for R2 & R5

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Aggrieved by the order of re-fixation as well as the recovery dated 02.12.2024, the petitioner has come up with this writ petition.

2. As regards the recovery, the issue is covered by the judgment of the Hon'ble Supreme Court in *State of Punjab and Others Vs. Rafiq Masih (White Washer's case)* reported in *AIR 2015 SC 696*. As regards the re-fixation, we do not see any grievance for the petitioner as the wrong fixation has been



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rectified. Hence, while sustaining the re-fixation, we only set aside the order of recovery. Any amount recovered pursuant to the orders impugned in this writ petition, the same shall be repaid to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

3. Accordingly, this Writ Petition is **partly allowed**, while sustaining the order of re-fixation, the order of recovery alone is set aside. No costs. Consequently, the connected miscellaneous petition is closed.

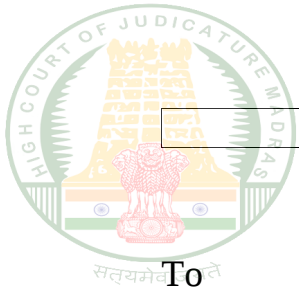
(R.S.M., J.) (K.G.T., J.)
10.06.2025

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Index : No

Neutral Citation : No

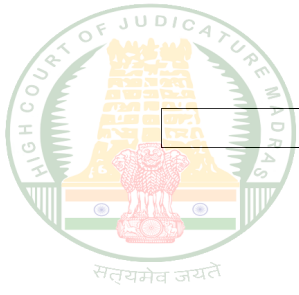
Speaking order



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To

- 1.The Registrar General,
High Court of Madras,
High Court Campus, Madras - 600 104.
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R.SUBRAMANIAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

KKN

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and
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10.06.2025