



WEB COPY

WP No. 23793 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 23793 of 2025

1. V.Ramalingam
Son Of V.Vellaya Gounder

Petitioner(s)

Vs

1. The District Collector
Kallakuruchi District Collector Office,
Kallakuruchi District

2.The Revenue Divisional Officer
Tirukoilur, Kallakuruchi District

3.The Tahsildar
Tirukoilur Taluk Office,
Kallakuruchi District

4.The Sub Registrar
Thirukoilur Sub-Registrar Office,
Kallakuruchi District

Respondent(s)



PRAYER

To call for records of the 3rd respondent dated 03.02.2025 in Na.Ka A-4/7304/2017 and quash the same as illegal and unlawful and consequentially direct the respondents to reconsider the petitioner representation dated 17.02.2025 on merits after providing an opportunity to the petitioner in accordance with law.

For Petitioner(s): Mr.P.Vasanth

For Respondent: Mr.R.Murthi
Government Advocate for R1-3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 03.02.2025 and for a consequential direction to the respondent to consider the representation made by the petitioner on 17.02.2025 on its merits, after giving an opportunity to the petitioner and take a decision in accordance with law.

2. Heard Mr.P.Vasanth, learned counsel for the petitioner and Mr.R.Murthi, learned Government Advocate for the respondents 1 to 3.

3. The case of the petitioner is that his elder son, Karthick, married one Umamageshwari in 2008. There were differences of opinion, which resulted in the filing of various cases against each other. Umamageshwari seems to have filed an application seeking maintenance against the petitioner's son, and an order was passed fixing the maintenance amount. Since the arrears of



maintenance were not paid, Revenue Recovery proceedings were initiated. The petitioner's grievance is that his property has been attached under the Revenue Recovery Act to settle the arrears of maintenance payable by his son to the daughter-in-law. The same has been put to challenge in the present writ petition.

4. In the considered view of this Court, the 3rd respondent could not have passed an order attaching the property belonging to the petitioner, since under Section 5 of the Revenue Recovery Act, for the recovery of arrears of revenue, it is only the property belonging to the defaulter that can be attached and brought for sale. That is the only mode of recovery that has been provided under the Act. Whereas, for the maintenance payable by the son, the father's property has been attached. On the face of it, such proceedings of the 3rd respondent are illegal and unsustainable.

5. Before the 3rd respondent took a decision, the petitioner should have been at least put on notice, and his explanation should have been sought with respect to the ownership of the property. If this has not been done, the decision taken by the respondent is also violative of the principles of natural justice. Prima facie, the petitioner has proved his title to the subject property by virtue of the registered sale deed dated 03.07.1996.

6. In the light of the above discussions, the impugned proceedings of the 3rd respondent dated 03.02.2025 in Na.Ka A-4/7304/2017 is hereby quashed. It



is left open to the Revenue Officials to issue notice, ascertain the ownership of the property by affording an opportunity to the concerned persons, and thereafter proceed further to recover the arrears of maintenance under the Revenue Recovery Act.

7. In the result, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

03-07-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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