



WEB COPY



W.P.No.24339 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 24339 of 2021
&
W.M.P.No. 25644 of 2021

P.Violet Mary

...Petitioner

Vs.

1.The District Collector,
Salem District.

2.The Thasildar,
Sooramangalam,
Salem District.

3.The Revenue Inspector,
Sooramangalam,
Salem District.

4.Govindhan

5.Pushparaj

...Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the distraint order dated 12.10.2021 passed by the 2nd respondent and quash the same.

For Petitioner : Mr. S.Parthasarathy

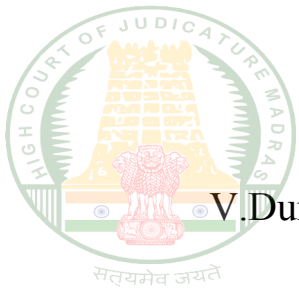
For Respondents : Mr. M.Murali
1 to 3 Government Advocate

For Respondent 4: Mr. S.P.Yuvaraj

ORDER

Challenging the order passed by the 2nd respondent dated 12.10.2021 the petitioner is before this Court. The following are the facts set out in the affidavit filed in support of the above Writ Petition.

2. The petitioner would submit that the property which is the subject matter of the distraint order was purchased by her on 24.02.2000 under a registered Document No.267 / 2000 from one



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V.Duraisamy. Since the date of the purchase she has been in absolute possession and enjoyment of the same. The property is also assessed to water tax, property tax and other public outgoings in her name.

3. It is her contention that on 01.10.2021 the 3rd respondent namely the Revenue Inspector, Sooramangalam, had come to her house and stated that the 4th respondent had filed workman compensation petition in WC.No.488 of 2004 before the Deputy Commissioner of Labour, Salem / Workmen Court, claiming compensation of Rs.5,00,000/- against one Meganathan and her husband Pushparaj contending that when the 4th respondent was doing the construction work on 26.05.2003 he had sustained injuries in an accident.

4. It is her contention that her husband was set ex parte. On 03.12.2011 the Deputy Commissioner was pleased to award compensation of Rs.1,17,930/- together with 12% interest to the 4th respondent.



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5. On the basis of the said award, the 3rd respondent sought to recover the said amount under the Revenue Recovery Act against the petitioner's property. On 11.10.2021 the petitioner sent a representation to the respondents 1 to 3 stating that she is the owner of the property and not her husband. She had also denied the accident and liability of her husband to pay compensation.

6. The petitioner would submit that without considering her representation and without conducting enquiry and an opportunity to put across her case an order under Section 8 of the Act has been passed.

7. Challenging the same the petitioner is before this Court.

8. The award in the workman compensation case is against the petitioner's husband and one Meganathan. The petitioner is not a party to the said proceedings. That being the case the revenue recovery proceedings initiated against her property is absolutely arbitrary and



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erroneous.

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9. The petitioner was also not put on notice about these proceedings. The representation given by the petitioner that the property belonged to her has also not been taken into consideration.

10. Taking into account the fact that no liability has been fixed on the petitioner and the property belongs to her, the impugned distraint order dated 12.10.2021 has to be set aside. Accordingly, set aside.

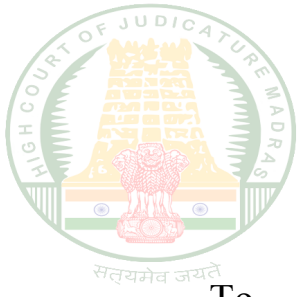
11. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

15.07.2025

Index : Yes/No
Internet : Yes/No

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P.T. ASHA, J,

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