

WP Nos. 24868 and 24872 of  
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 10-07-2025**

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**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**WP Nos. 24868 and 24872 of 2025**

**AND**

**WMP NOs. 28032 and 28038 OF 2025**

**WP No.24868 of 2025**

1. Rajaram Prabakaran  
S/o R. Prabakaran, No 67/2, New  
Fairlands, Salem 636 016

Petitioner(s)

Vs

1. The Tahsildar  
Salem (west) Main Road,  
Subramania Nagar,  
Suramangalam, Salem 636 302

2.The District Collector  
Salem District, Salem.

Respondent(s)

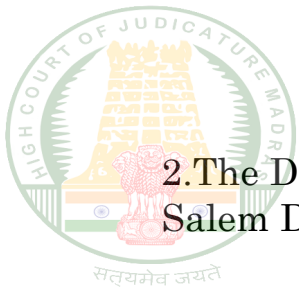
**WP No. 24872 of 2025**

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2.The District Collector  
Salem District, Salem.

Respondent(s)

**In both Writ petitions**

For Petitioner(s): Mr.Akhil Bhansali

For Respondent: Mr.G.Velu,  
Additional Government  
Pleader  
for R1 and R2

**COMMON ORDER**

These writ petitions have been filed challenging the Dstraint order dated 08.11.2024 issued in form No.1 under Section 8(1) of Tamil Nadu Revenue Recovery Act, 1864 and for a consequential direction to the respondents not to demand or collect or initiate dstraint proceedings against the petitioner.

2. Heard Mr.Akhil Bhansali, learned counsel for the petitioner and Mr.G.Velu, learned Additional Government Pleader for Respondents 1 and 2 in both the writ petitions.

3. The case of the petitioner is that he was the Director and authorised representative of Salem Textiles Limited. Proceedings were initiated against the company for recovery of dues amounting to a sum of Rs.99,330/- along with interest. An order was also passed in



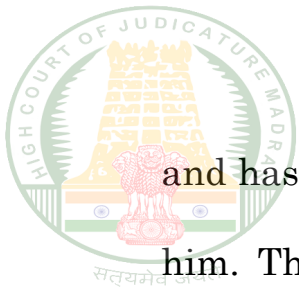
this regard by the Controlling authority in P.G.No.137 of 2022.

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4. The specific case of the petitioner is that the said dues were not personally owed by the petitioner and that the principal amount has also been paid. In fact, contempt proceedings were initiated by the concerned employee in Cont P No.804 of 2025 and in this petition, it was brought to the notice of this Court that the management has paid the principal amount of Rs.84,404/-. However, the interest amount has not been paid. The concerned employee was also permitted to withdraw the amount which was already deposited by the company.

5. The specific case of the petitioner is that the 1<sup>st</sup> respondent without taking into consideration any of these facts straight away proceeded to issue distraint order and the personal property belonging to the petitioner has been attached and attempt is being made to bring the same for sale and the same has been put to challenge in the present writ petition.

6. In the considered view of this Court, the petitioner has already made two representations dated 19.02.2025 and 09.04.2025

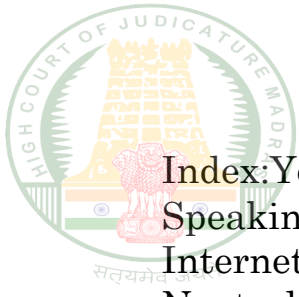


and has explained as to why the proceedings cannot continue against him. Therefore, the 1<sup>st</sup> respondent is directed to act upon the said representations and conduct an enquiry, to get a clarification regarding the title and ownership of the property that is sought to be attached and brought for sale and also the amount that has already been paid to the employee towards gratuity and if the 1<sup>st</sup> respondent finds that the distraint proceedings cannot continue, the notice shall be withdrawn. If on the other hand, the 1<sup>st</sup> respondent is convinced that the Distrait proceedings can continue, it is left open to the 1<sup>st</sup> respondent to convey the same to the petitioner and thereafter, proceed further with the recovery. At that stage, it is left open to the petitioner to question the same, if he is aggrieved. Till this decision is taken, the 1<sup>st</sup> respondent shall not proceed further with the Distraint order and the same shall be kept in abeyance.

7. Both these writ petitions are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

**10-07-2025**

rka



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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2. The District Collector

Salem District, Salem.



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**N.ANAND VENKATESH J.**  
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