



W.A No. 2522 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No. 2522 of 2025 AND

CMP NO. 19934 OF 2025

B.Karthick

S/O. Babu No.26, Amman Nagar, Thali Road, Hosur
Taluk, Krishnagiri District.

..Appellant

Vs

1. The District Collector
Krishnagiri District, Krishnagiri.
2. The Sub Collector
Hosur Division, Krishnagiri District
3. The Tahsildar
Sulagiri Taluk Office, Sulagiri, Krishnagiri District.

..Respondents

Prayer: Writ Appeal under Clause XV of the Letters Patent to set aside the final order by passed in WP No. 6103 of 2025 dated 21.02.2025.

For Appellant : Mr.N.Murali Kumaran, Senior Counsel
for Mr.S.Elumalai

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader



W.A No. 2522 of 2025

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This writ appeal has been filed against the order passed by the Writ Court dated 21.02.2025 made in W.P.No.6103 of 2025.

2. The appellant is the writ petitioner, who along with another person entered into a partnership and they were running a partnership firm, wherein, against the partnership firm penalty has been imposed for alleged excess excavation of quarry materials. Pursuant to the said order in the year 2008, now revenue recovery proceedings has been issued by the respondents dated 20.12.2024, which was under challenge before the writ Court by the appellant, who was once partner in the partnership firm.

3. The learned Writ Court has dismissed the said writ petition on the ground that the original order of penalty issued in 2008 has not been challenged and therefore the consequential revenue recovery cannot be challenged in isolation by the present petitioner and the learned Judge dismissed the writ petition through the impugned order.



W.A No. 2522 of 2025

WEB COPY

4. As against the said order, the present writ appeal has been preferred.

During the last hearing, it was stated by the learned counsel for the appellant that as against the order inflicting penalty in the year 2008 passed by the authorities against the partnership firm, the present petitioner has already filed an appeal before the appellate authority viz., the District Collector ie., first respondent herein in the year 2010 itself and a copy of the appeal also has been filed before this Court.

5. Therefore, during the last hearing we directed the learned Additional Government Pleader to ascertain as to whether the appeal filed by the appellant in the year 2008 is still pending with the authority and if is already disposed of, a copy of the order be filed before this Court.

6. Pursuant to the same, the learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the appeal filed by the appellant / writ petitioner as against the order passed in 2008 is



still pending before the first respondent and for administrative reasons it has not been so far disposed of. Learned Additional Government Pleader would also submit that the appeal would be disposed of by the first respondent on merits and in accordance with law after giving an opportunity of being heard to the appellant within a time frame that may be stipulated by this Court.

7. In that view of the matter, this writ appeal is disposed of in the following terms.

- (a) The impugned order dated 21.02.2025 passed by the writ Court is hereby set aside.
- (b) As a sequel, there shall be a direction to the first respondent to decide the appeal filed by the appellant in the year 2010 (October 2010) against the order of penalty imposed against the partnership firm, where the appellant was once a partner in the year 2008 and decide the same on merits and in accordance with law by giving an opportunity of being heard to the appellant within a period of two months from the date of receipt of a copy of this order.
- (c) Till such time, no proceedings under the Revenue Recovery Act be initiated against the appellant.



W.A No. 2522 of 2025

WEB COPY

With the above directions, this writ appeal is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)

24-09-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KST

To

1. The District Collector
Krishnagiri District Krishnagiri
2. The Sub Collector
Hosur Division, Krishnagiri District
3. The Tahsildar
Sulagiri Taluk Office, Sulagiri, Krishnagiri District.

R.SURESH KUMAR J.

AND

HEMANT CHANDANGOUDAR J.

KST



WEB COPY



W.A No. 2522 of 2025

WA No. 2522 of 2025

24-09-2025