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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P.Nos.37785 & 38392 of 2024 and 2571 of 2025
and W.M.P.Nos.40856, 40860 & 41579 of 2024
and 3678 & 3679 of 2025**

W.P.No.37785 of 2024

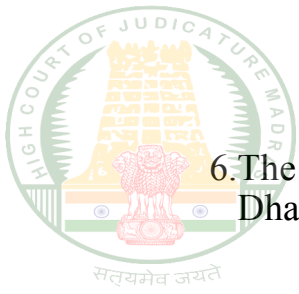
K.Jayaraman

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Petitioner

versus

- 1.The Registrar General,
High Court of Madras,
High Court Campus,
Chennai - 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),
AGS Office (Audit) Complex,
Anna Salai, Roast Revor Garden,
Teynampet, Chennai - 600 018.
- 5.The District Treasury Officer,
Dharmapuri.



6. The Additional District Judge,
Dharmapuri.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of recovery 6th respondent in connection with the proceedings of ROC No.604/2023 dated 27.04.2023 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner.

For Petitioner : Mr.A.Sakthivel

For Respondents : M/s.B.Poongkhulali
Standing Counsel - R1, 3 & R6
Mr.P.Ananda Kumar
Government Advocate - R2 & R5
Mr.P.Mano Rajan
Standing Counsel - R4

W.P.No.38392 of 2024

R.Muralinathan

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Petitioner

versus

1. The Registrar General,
High Court of Madras,
High Court Campus,
Chennai - 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),
AGS Office (Audit) Complex,
Anna Salai, Roast Revor Garden,
Teynampet, Chennai - 600 018.

5. The District Treasury Officer,
Dharmapuri.

6. The Additional District Judge,
Dharmapuri.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of recovery 6th respondent in connection with the proceedings of ROC No. 1908 of 2022 dated 14.06.2022 and quash the same and direct the 5th respondent to return the amount that had been recovered from the petitioner.

For Petitioner : Mr.A.Sakthivel

For Respondents : M/s.N.Kanthimathi - R1, 3 & R6
Mr.K.H.Ravi Kumar
Government Advocate - R2 & R5
Mr.P.Mano Rajan
Standing Counsel - R4

W.P.No.2571 of 2025

P.Sellapandian

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Petitioner

versus

1. The Registrar General,
High Court of Madras,
High Court Campus,
Chennai - 600 104.

2. The Principal Secretary to Government,
Home (Court V) Department,
Fort Saint George, Chennai - 9.

3/7



3. The Principal District Court,
Krishnagiri.

4. The Principal Accountant General (A and E),
AGS Office (Audit) Complex,
Anna Salai, Roast Revor Garden,
Teynampet, Chennai - 600 018.

5. The District Treasury Officer,
Krishnagiri.

6. The Special Sub Court (mact),
Krishnagiri.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of recovery 6th respondent in connection with the proceedings of ROC No.288 of 2023 dated 20.03.2023 and quash the same and direct the respondents to return the amount that had been recovered from the petitioner respectively.

For Petitioner : Mr.A.Sakthivel

For Respondents : M/s.M.Fakkir Mohideen - R1, 3 & R6
Mr.S.John J.Raja Singh
Additional Government Pleader - R2 & R5
Mr.P.Mano Rajan
Standing Counsel - R4

COMMON ORDER

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

In all these cases, the re-fixation and recovery are under challenge.



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2. In similar matters, we have held that the issue relating to the recovery is covered by the judgment of the Hon'ble Supreme Court in *State of Punjab Vs. Rafiq Masih* reported in (2015) 4 SCC 334 [*White Washer's case*]. This judgment has also been followed by the Division Bench of this Court in *P.Ponnusamy Vs. The Registrar General, High Court of Madras* dated 04.03.2024 [W.P.No.8952 of 2023, etc., batch].

3. In view of the above settled position of law, these Writ Petitions are *partly allowed* and the orders of recovery alone are quashed. The re-fixation is sustained. If any amount has been recovered pursuant to the recovery proceedings, the said amount alone is directed to be refunded to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

(R.S.M., J.) (G.A.M., J.)
14.03.2025

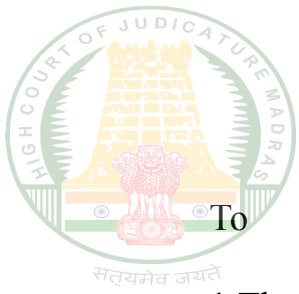
Speaking order

Index : No

Neutral Citation : No

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5/7



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W.P.Nos.37785 & 38392 of 2024 and 2571 of 2025



R.SUBRAMANIAN, J.
and
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