



W.P.(MD)No.13928 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.13928 of 2025

and

W.M.P.(MD)Nos.10083 and 10084 of 2025

A.Manokaran

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

3.The Branch Manager,
New India Assurance Company Limited,
No.147, High Sports Building, 1st Floor,
Near R C Church, Salai Street,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondents in Na.Ka.A2/7204/2024, dated 22.04.2025 and quash the same as illegal and consequently restraining the Respondents from confiscating the petitioner's house and other properties in



W.P.(MD)No.13928 of 2025

Survey No.125/18A3, in extent of 0.02.15 Ares and in Survey No.126/49 in an extent of 0.00.92 Sq.m stand in the name of petitioner's wife situated at Therbogi village, Ramanathapuram district within time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R-1 and R-2 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of writ of certiorarified mandamus, challenging the impugned order passed by the 2nd respondent in Na.Ka.A2/7204/2024, dated 22.04.2025 and consequently restraining the Respondents from confiscating the petitioner's house and other properties in Survey No.125/18A3, to an extent of 0.02.15 Ares and in Survey No.126/49 to an extent of 0.00.92 Sq.m stand in the name of petitioner's wife situated at Therbogi village, Ramanathapuram district.

2. Heard Mr.T.Thirumurugan, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader for the respondents 1 and 2.



W.P.(MD)No.13928 of 2025

WEB COP 3. The petitioner has suffered an award in MCOP proceedings. According to the petitioner, the award was ex-parte and without notice to the petitioner, who was admittedly not in India when the MCOP proceedings were initiated and notices were attempted to be served. The petitioner states that he had already submitted an application to set aside the ex-parte award passed in the MCOP proceedings, however, without referring to the same, the impugned order has been passed, initiating recovery proceedings against the petitioner and his wife.

4. In view of the above, this Court directs the IV Additional District Judge, Tirunelveli, to dispose of the application filed by the petitioner seeking to set aside the ex-parte award dated 23.06.2022 passed in MCOP No. 340 of 2019, within a period of eight weeks from the date of receipt of a copy of this order, on its own merits and in accordance with law. Till the disposal of the said application seeking to set aside the award, no coercive steps shall be taken by the respondents.



W.P.(MD)No.13928 of 2025

WEB COPY 5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.05.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.
- 3.The Branch Manager,
New India Assurance Company Limited,
No.147, High Sports Building, 1st Floor,
Near R C Church, Salai Street,
Ramanathapuram District.

Copy To:

The Additional District Judge - IV,
Tirunelveli.



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W.P.(MD)No.13928 of 2025

P.B.BALAJI, J.

Nsr

W.P.(MD)No.13928 of 2025

08.05.2025