



W.P(MD)No.21851 of 2022

.BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.21851 of 2022

and

W.M.P(MD).No.16008 of 2022

D.L.Viswanathan

.. Petitioner

Vs

1.The Deputy Commissioner of Labour,
(The Controlling Authority under the
Payment of Gratuity Act),
Barathi Ula Road, (Near Thamaraitthotti),
Madurai -2.

2.The District Collector,
Collectorate Complex,
Madurai -20.

3.The Revenue Inspector,
Thiruparankundram Firka,
Thiruparankundram Taluk,
Thanakkankulam Road,
Thirunagar, Madurai -6.

4.R.K.Nataraj



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5.The Management,

B-6, Basement, Gemini Parsn Commercial Complex,
Nungambakkam High Road, Chennai 600 006.

.. Respondents

*(R4 and R5 are impleaded vide Court order dated 11.10.2022 in W.M.P.
(MD).No.16706 of 2022 in W.P(MD).No.21851 of 2022 by VBSJ)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to quash the Form No.1 under Section 8 -distrain order dated 26.04.2022 issued by the third respondent.

For Petitioner : Mr.Kalaiselvam.V.O.S.

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
(for R1 to R3)
Mr.M.Ramachandran (for R4)

ORDER

This writ petition has been filed to quash Form No.1 under Section 8 of the Revenue Recovery Act-distrain order dated 26.04.2022 issued by the third respondent.

2.On 29.10.2025, when the matter was taken up for hearing, this Court had directed the authorities to produce the original records in respect of the case in P.G.No.253 of 2019 filed by the petitioner claiming gratuity before the first respondent.



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3.Today, the said records were produced.

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4.A perusal of the same reveals that the order passed by the Joint Commissioner of Labour, Madurai, in the gratuity case in P.G.No.253 of 2019 is an *ex-parte* order on the basis of which, the order impugned in this writ petition has come to be passed.

5.The defence taken by the petitioner in this writ petition is that he has resigned from the company much prior to the filing of the gratuity complaint itself and no notice has been received by him before passing of the revenue recovery order.

6.Perusal of the impugned order, under which the property of the petitioner is sought to be attached, would also show that the petitioner has not been put on notice. Therefore, the impugned order, which is passed in violation of principles of natural justice, is set aside and the matter is remitted back to the first respondent for fresh consideration. The first respondent /District Collector to initiate fresh revenue recovery proceedings, issue notice to the petitioner at the address given in the writ petition as well as the fourth respondent and after hearing both parties pass order within a period of one month from the date of receipt of a copy of this order adhering to the principle of law as well as principles of natural justice.



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7.This writ petition is allowed as above. No costs. Consequently,
connected miscellaneous petition is closed.

12.11.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
Rmk

To

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P.T.ASHA, J.

Rmk

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