



WEB COPY



WP(MD)No.17459 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP(MD)No.17459 of 2024

and

WMP(MD)No.14995 of 2024

The New India Assurance Co Ltd.,
Through its Assistant Manager,
913, Catholic center main road,
Kovilpatti Taluk,
Thoothukudi District.

... Petitioner

Vs.

1 The District Collector,
Thoothukudi,
Thoothukudi District.

2. The Joint Commissioner of Labour,
Thirunelveli,
Thirunelveli District.

3. Karuppasamy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice in Na.Ka.J1/5972/22 dated 07.03.2022 passed by the 1st respondent and quash the same.

For Petitioners : Mr.K.Ramaiah
For R1 & R2 : Mr.M.Mahaboob Athiff
Special Government Pleader



WP(MD)No.17459 of 2024

For R3 : No appearance

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ORDER

The prayer in this writ petition is to issue a Writ of Certiorari, calling for the records relating to the impugned notice in Na.Ka.J1/5972/22 dated 07.03.2022 passed by the 1st respondent and quash the same.

2. Learned counsel appearing for the petitioner would submit that the 3rd respondent filed a claim petition in W.C.No.20 of 2012 before the 2nd respondent for the alleged personal injuries caused in the accident while he was working as a driver in a Van bearing registration No.TAC 6473. The 2nd respondent had passed an award on 21.12.2015 awarding compensation of Rs.2,05,027/- and directed the petitioner to deposit the said amount within one month from the date of receipt of the order, failing which, the said compensation amount shall be deposited along with 12% interest from the date of petition till the date of deposit. Against the said order, the 3rd respondent filed CMA(MD)No.837 of 2018. This Court vide judgment dated 10.10.2018 directed the petitioner to pay interest at 12% on the compensation amount from the date of accident till the date of deposit. Accordingly, the petitioner deposited the interest amount on 14.12.2018. Thereafter, on 07.01.2019, the 2nd respondent directed the



WP(MD)No.17459 of 2024

petitioner to pay the interest amount of Rs.2,37,831/-. Despite the petitioner explained the deposit of the award amount and interest, the 2nd respondent issued a request under letter dated 11.02.2022 to the 1st respondent for recovery of Rs.1,06,632/- from the petitioner under the Revenue Recovery Act. Pursuant to the same, the 1st respondent initiated recovery proceedings and issued the impugned notice under the Revenue Recovery Act. Challenging the same, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner would submit that the 2nd respondent has misconstrued the judgment made in CMA(MD)No. 837 of 2018, dated 10.10.2018, whereby 12% interest alone was awarded on the compensation amount awarded in W.C.No.20 of 2012. The petitioner deposited the entire award amount as early as on 05.02.2016 and as per the judgment in the above CMA, the petitioner has to deposit the interest amount till 05.02.2016 alone, whereas the 2nd respondent ordered to pay interest till 07.01.2019 which is not in accordance with the said CMA judgment. Therefore, the revenue recovery proceedings initiated by the 2nd respondent is erroneous. Consequently, the impugned recovery notice issued by the 1st respondent is liable to be set aside.



WP(MD)No.17459 of 2024

WEB COPY

4. Learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner did not challenge the order dated 11.03.2019 passed by the 2nd respondent pursuant to the judgment of this Court in CMA(MD)No.837 of 2018, dated 10.10.2018 and therefore, the present writ petition challenging the consequential recovery notice issued by the 1st respondent is not maintainable. Accordingly, he prays for appropriate orders.

5. Heard both sides and perused the materials available on record.

6. As rightly contended by the learned Special Government Pleader appearing for the respondents 1 and 2, the petitioner has not challenged the order dated 11.03.2019, whereby, differential interest amount at Rs. 1,06,632/- has been calculated. Even thereafter, the petitioner did not deposit the said differential interest amount. Hence, by letter dated 11.02.2022, the 2nd respondent/Joint Commissioner of Labour has directed the 1st respondent/District Collector to initiate recovery proceedings under the Revenue Recovery Act, for recovery of the abovesaid interest amount. Perusal of record also shows that conveniently, the petitioner has not



WP(MD)No.17459 of 2024

enclosed the letter dated 11.02.2022 of the 2nd respondent initiating recovery proceedings. If the petitioner is aggrieved due to the wrong calculation of differential interest amount, they ought to have approached the 2nd respondent to rectify the same. Only after a lapse of three years from the order dated 11.03.2019, the 2nd respondent has directed initiation of recovery proceedings by letter dated 11.02.2022. Even after a delay of two years therefrom, the petitioner has filed this writ petition that too challenging only the consequential recovery notice issued by the 1st respondent. Hence, I do not find any merits in the contentions of the petitioner.

7. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.08.2026

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Collector,
Thoothukudi,
Thoothukudi District.



WP(MD)No.17459 of 2024

2. The Joint Commissioner of Labour,
Thirunelveli,
Thirunelveli District.



WEB COPY



WP(MD)No.17459 of 2024

M.DHANDAPANI, J.

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ORDER MADE IN
W.P(MD)No.17459 of 2024
DATED : 06.08.2026