

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.2822 OF 2006

ORDER:

Heard and perused the record.

2. This writ petition is filed seeking to issue a writ of *Mandamus* declaring the proceedings of warrant of recovery of wages in C.C.No.1 of 2005 on the file of the Chief Judicial Magistrate-cum-I Additional District and Sessions Judge, Nellore without impleading the petitioners herein as necessary parties to the proceedings as illegal, and consequently, to set aside the same.

3. The averments in the affidavit filed in support of the writ petition are as under:

The petitioners herein entered into an agreement of sale, dated 04.01.1984, with respondent No.4 for purchase of properties to an extent of Ac.9.52 cents situated in Survey Nos.71/2B, 72/1B, 72/2B, 73, 75 and 90 and commonly known as ABM Hospital compound situated at Nellore Town for a sum of Rs.4,40,00,000/-. It is stated that a sum of Rs.1,00,00,000/- was already paid to respondent Nos.3 and 4. While things stood thus, the petitioners came to know that the employees of respondent No.4 made an application before the Deputy Commissioner of Labour, Guntur Zone, Guntur claiming a sum of Rs.67,36,434/- towards salaries from September, 1999 to March, 2005. Pursuant to the said application, the Deputy Commissioner of Labour, Guntur Zone, Guntur has made an application before the Chief Judicial Magistrate-cum-First Additional District and Sessions Judge, Nellore for recovery of the amounts in accordance with the provisions of Section 33(C)(i) of the Industrial Disputes Act, 1947. The said application was registered as C.C.No.1 of 2005 and subsequently, the

Chief Judicial Magistrate issued warrant of recovery of the amounts due to the workmen and by order dated 13.10.2005 directed the District Collector, Nellore to execute the same. On the basis of the warrant of recovery of the wages, the District Collector, Nellore directed the Mandal Revenue Officer, Nellore to take steps for attachment of the properties and also for sale of the same. Challenging the same, the present writ petition is filed.

4. By an order, dated 16.2.2006, this Court, while issuing *Rule nisi*, granted interim stay subject to condition of the petitioner depositing an amount of Rs.67,36,434/- within four (4) weeks from that date before the District Collector, Nellore. It is further ordered that if the said amount was not deposited within the time stipulated above, that order stands vacated automatically.

5. When the matter is taken up for hearing, learned counsel for the petitioners submits that he is not in a position to contact the party and that he is not aware as to whether the aforesaid interim order of this Court has been complied with or not. However, he states that the petitioners are willing to pay the amount of Rs.67,36,434/-.

6. Since there is no information as to whether the petitioners have complied with the interim order of this Court or not, further adjudication in the matter may not arise at this point of time. If the petitioners have complied with the said order, nothing survives for adjudication in this writ petition. In case, the said sum is not paid till date and if no coercive steps are initiated till date, the petitioners shall pay the said amount within a period of two (2) weeks from today failing which, the respondent authorities are at liberty to take steps in accordance with law.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any,

in this writ petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 28.12.2015
AMD

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THE HON’BLE SRI JUSTICE C.PRAVEEN KUMAR

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