IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.12935 OF 2016

Mangai .. Petitioner

Versus

1. The State of Tamil Nadu
   Rep. By its Principal Secretary
   Revenue Department
   Fort St. George,
   Chennai - 600 009.

2. The Deputy Commissioner of Labour - I
   Chennai - 600 006.

3. The District Collector
   Tiruvannamalai District,
   Tiruvannamalai.

4. The Tahsildar
   Tiruvannamalai Taluk,
   Tiruvannamalai.

5. The Tahsildar
   Thandarampattu Taluk,
   Tiruvannamalai District. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 2 to 5 to take immediate and stringent steps to recover the award amount made in W.C.NO.31/2003 with interest as ordered in the award, under the Revenue Recovery Act, 1890, within a stipulated time.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard Mr.B.Jawahar, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader for the respondents.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner seeks for issuance of writ of mandamus directing the respondents 2 to 5 to take immediate and stringent steps to recover the award amount made in W.C.NO.31/2003 with interest as ordered in the award, under the Revenue Recovery Act, 1890.

4.The petitioner's husband who met with an accident approached the Deputy Commissioner of Labour - I, Chennai, for compensation under the provisions of the Workmen Compensation Act by filing W.C.No.31/2003. An award was passed by the authority on 28.09.2005 awarding a compensation of Rs.1,46,966/- together with interest @ 12% per annum. The respondents in W.C.No.31/2003 did not challenge the said award. Therefore, the petitioner's husband requested the authorities to initiate revenue recovery proceedings to recover the said amount. The third respondent - District Collector in his proceedings dated 03.03.2008 stated that the Deputy Commissioner has not specifically ordered for recovery of the amount, by initiating proceedings under the Revenue Recovery Act and therefore, he cannot do anything in the matter.

5.The petitioner's husband rushed to this Court and filed W.P.No.5824 of 2009 stating that the stand taken by the District Collector in his proceedings dated 03.03.2008 was not tenable. The Court being convinced with the submission, vide order dated 25.08.2009 disposed of the writ petition by directing the District Collector to initiate revenue recovery proceedings for recovery of the amount within a period of three months.

6.Thereafter, the revenue authorities initiated action and the fourth respondent - Tahsildar issued notice to the Management on 14.03.2011 directing them to pay a sum of Rs.1,46,966/- pursuant to which, only a sum of Rs.2,000/- was recovered. Since there was a stalemate in the matter, once again the Deputy Commissioner of Labour - I, Chennai, addressed the District Collector on 20.10.2011. Yet nothing had happened and again the Deputy Commissioner of Labour - I, Chennai, addressed the District Collector on 10.09.2013, after which the petitioner was informed that demand notices have been issued to the Management.

7.The manner in which the revenue authorities have functioned in the instant case has to be deprecated. The hypertechnical approach of the revenue authorities has delayed the realisation of the compensation, which was awarded in 2005. Though the petitioner's husband was a beneficiary of the award, he is now no more, having passed away and his wife is now battling to somehow obtained the fruits of the award dated 28.09.2005. This Court is of the view that more compassionate approach is required in this matter by the revenue officials, who were under the direct control and supervention of the third respondent.

8.Therefore, this writ petition is disposed of with a direction to the third respondent to immediately look into the matter and issue appropriate direction and ensure that the entire award amount is recovered, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary
   Government of Tamil Nadu
   Revenue Department
   Fort St. George, Chennai - 600 009.

2. The Deputy Commissioner of Labour - I
   Chennai - 600 006.

3. The District Collector
   Tiruvannamalai District,
   Tiruvannamalai.

4. The Tahsildar
   Tiruvannamalai Taluk,
   Tiruvannamalai.

5. The Tahsildar
   Thandarampattu Taluk,
   Tiruvannamalai District.

+ 1 cc to M.B.Jawahar, Advocate SR 22690

+ 1 cc to Govt.Pleader SR 22211
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