

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.21262 of 2014

P. Kasi

.. Petitioner

Vs.

1.The District Collector

Chennai District

Rajaji Salai, Chennai-1.

2.The Tahsildar

Mylapore-Triplicane, Chennai.

3.M/s.Bawasur Marata Smatchi (Chennai)

Bawasur Marata Educational Trust

No.49/23, Bangaru Street, Anna Salai

Chennai-2.

4.Raja

.. Respondents

The writ petition is filed to issue a writ of mandamus, directing the first and the second respondents to recover the award amount of Rs.2,21,661/- along with interest from the third and fourth respondents under Revenue Recovery Act.

For Petitioner : Mr.S.N.NJarasimhulu

For Respondents Nos.1 & 2 : Mr.K. Dhananjayan
Special Govt. Pleader

For Respondent No.3 : Mr. S. Raveendran

For Respondent No.4 : No appearance

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ORDER

Heard.

2.This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first and the second respondents to recover the award amount of Rs.2,21,661/-, awarded by the Deputy Commissioner of Labour No.I, Chennai, along with interest thereon, from the third and the fourth respondents, under the provisions of the Tamil Nadu Revenue Recovery Act, 1864.

3. The petitioner is a 'Kalthatcher', by profession. The fourth respondent is a building contractor. He had taken up a contract work to construct a bungalow, for the third respondent, at No.49/23, Bangaru Street, Anna Salai, Chennai.

4. The petitioner had been engaged, by the fourth respondent, in the construction of the Bungalow, on payment of Rs.200/-, per day, as daily wages.

5. It had been further stated that, on 1.8.2007, while the petitioner was working in the construction of the building, he had fallen down and had sustained grievous injuries. He had been admitted in the Government Royapettah Hospital and treated for the injuries sustained by him. Due to

the injury caused in the accident, the petitioner had undergone severe pain and suffering and had also suffered serious disability.

6. He had filed a case under the Workmen's Compensation Act, 1923, before the Deputy Commissioner of Labour, Teynampet, Chennai, in W.C.No.434 of 2007. An award had been passed by the Deputy Commissioner of Labour, for a sum of Rs.2,23,661/-, on 9.4.2010, along with the interest, at the rate of 12% p.a.

7. As per the said award, the third and the fourth respondents had been directed to pay 50% of the award amount. As the third and the fourth respondents had failed to deposit the award amount, the Deputy Commissioner of Labour had issued a letter to the first respondent, on 13.1.2012, for the recovery of the award amount, from the third and the fourth respondents, under the provisions of the Revenue Recovery Act, 1864.

8. However, the first respondent has failed to recover the award amount, till date. Hence, the petitioner has preferred the present writ petition, under Article 226 of the Constitution of India.

9. Even though counter affidavits had been filed on behalf of the second and the third respondents denying the claims made by the

petitioner, this Court is of the view that the merits of the case, cannot be gone into by this Court, at this stage.

10. In the given facts and circumstances of the case, this Court finds it appropriate to direct the first respondent to recover the amount due from the third and the fourth respondents, based on the award passed by the Deputy Commissioner of Labour, on 9.4.2010, along with the interest thereon, by invoking the provisions of the Tamil Nadu Revenue Recovery Act, 1864, and to proceed further, in accordance with law.

11. The first respondent shall comply with the directions issued by this Court, as noted above, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of, with the above directions. No costs.

31.08.2016

Index : Yes/No
Internet: Yes/No.

rnb

To
1. The District Collector
Chennai District
Rajaji Salai, Chennai-1.
2. The Tahsildar
Mylapore-Triplicane, Chennai.

M.JAICHANDREN, J.

rnb

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