

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.26497 of 2013

Boopathy Ammal

... Petitioner

vs.

1.The Deputy Commissioner of
Labour-I,
D.M.S.Compound,
Teynampet, Chennai-6.

2.The District Collector,
Office of the Collectorate,
Thiruvallur District,
Thiruvallur.

3.K.K.Jayaraman

4.R.Baskaran

5.Kumar

... Respondents

(Respondents 3 to 5 impleaded
as per order dated 7.10.2013
made in M.P.No.1 of 2013)

Writ petition has been filed under Article 226 of the
Constitution of India, praying for a Writ of mandamus directing
the respondents 1 and 2 to take effective steps for revenue
recovery of the award amount of Rs.4,23,580/- along with
statutory interest till the date of recovery in pursuance of the
award passed in W.C.No.51 of 2006.

For Petitioner : Ms.N.Kalaiselvi

For Respondents : Mrs.V.Jayaprakash Narayanan,
Spl. Govt. Pleader,
for R.1 and R.2
No appearance for R.3 to R.5

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to take effective steps for recovery of the award amount of Rs.4,23,580/- along with statutory interest till the date of recovery in pursuance of the award passed in W.C.No.51 of 2006.

2. The case of the petitioner, in brief, is as follows:-

(a) The petitioner's son Gopi was working as a painter under the respondents 4 and 5 on a daily wage of Rs.200/-. The third respondent, who is the owner of the house at Door No.1068/5, Jolly Villa, K.R.Nagar, Korattur, Chennai-80, entrusted the painting work of the said building to the respondents 4 and 5. Thereafter, her son Gopi was directed by the respondents 4 and 5 to carry on the painting work in the said building.

(b) While so, as per the directions of the respondents 4 and 5, on 26.4.2015, when the petitioner's son was carrying on the painting work in the house of the third respondent, he got electrocuted and sustained multiple injuries. Immediately, he was taken to Kilpauk Medical College Hospital by the respondents 3 to 5 and the respondents 3 to 5 assured that they would take care of the medical expenses. In spite of the medical treatment given to her son Gopi, he passed away on 2.5.2005. Hence, the petitioner lodged a complaint before the Korattur Police Station and pursuant to the same, a case was registered in Crime No.951 of 2005.

(c) The petitioner was solely depended on her son Gopi. But, the respondents 3 to 5 did not give any compensation for the death of her son. Hence, the petitioner filed a case before the first respondent in W.C.No.51 of 2006 as against the respondents 3 to 5, seeking compensation for the death of her only son during the course of employment. Since the respondents 3 to 5 did not choose to appear before the first respondent, the first respondent passed an award on 17.5.2007 directing the respondents 3 to 5 to pay a sum of Rs.4,23,580/- to the petitioner along with interest at the rate of 12% per annum.

(d) The petitioner is a widow and there is no one to look after her. From the date of award, she had been periodically approaching the first respondent in person and through correspondence to proceed against the respondents 3 to 5 for revenue recovery. Finally, she has given a letter of request dated 24.3.2008 and again on 3.10.2008 to the first respondent requesting him to initiate revenue recovery proceedings against

the respondents 3 to 5 pursuant to the award passed in W.C.No.51 of 2006. Based on the said letters, the first respondent sent a letter dated 26.10.2009 to the respondents 3 to 5, directing them to pay the award amount along with accrued interest within 15 days from the date of receipt of the said letter, failing which revenue recovery proceedings would be proceeded against them.

(e) Thereafter, since there had been no response from the first respondent, the petitioner approached the first respondent in person and requested him to take effective steps, based on which, the first respondent sent a letter dated 3.2.2010 to the Collector of Chennai to initiate revenue recovery proceedings against the respondents 3 to 5. Even thereafter, there was no response from the respondents 3 to 5. The petitioner was made to run pillar to post by the respondents 3 to 5. But, till date, no revenue recovery proceedings were initiated against them. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

4. Considering the facts and circumstances of the case and considering submissions made on either side, this Court directs the respondents 1 and 2 to take effective steps as against the respondents 3 to 5 to recover the award amount of Rs.4,23,580/- along with statutory interest from the date of award till the date of recovery in pursuance of the award passed in W.C.No.51 of 2006, within a period of six weeks from the date of receipt of a copy of this order and pay the same to the petitioner. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

To

1.The Deputy Commissioner of
Labour-I,
D.M.S.Compound,
Teynampet, Chennai-6.

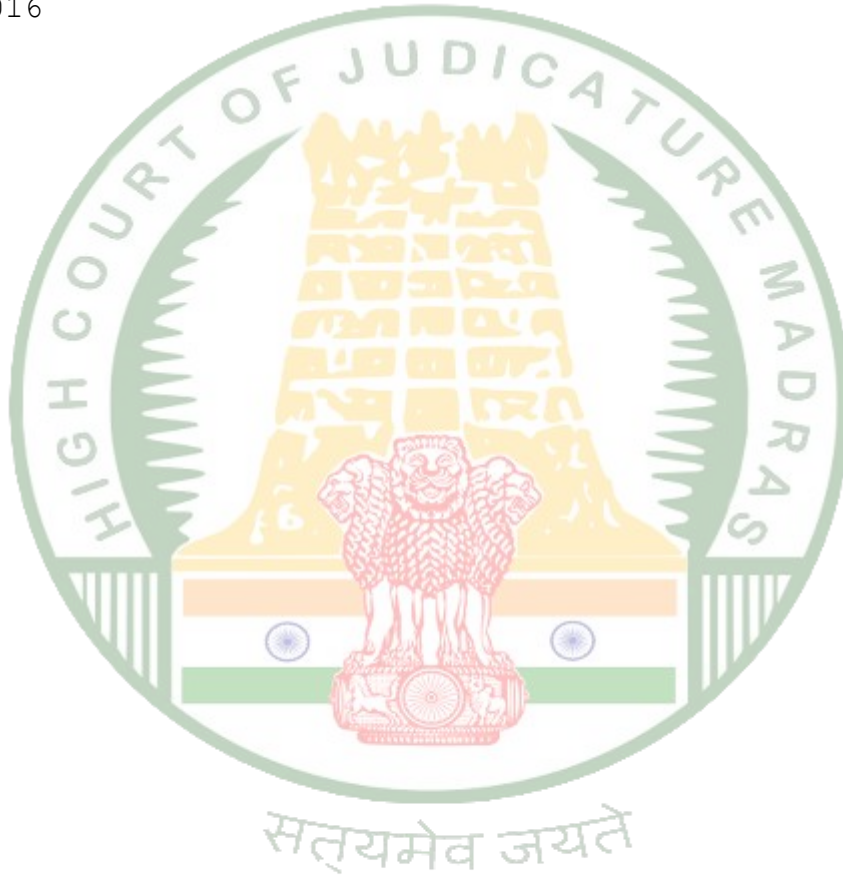
2.The District Collector,
Office of the Collectorate,
Thiruvallur District,
Thiruvallur.

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+2 ccs to Mrs.N.Kalaiselvi Advocate sr.22072
+1 cc to Government Pleader sr.22212

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