

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6468/2016 & WMP.No.5762/2016

C.H.Chandrakanth Prabhu

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Petitioner

Versus

1. The Tahsildar
Mambalam, Taluk Office
Mambalam Taluk
Chennai 600078.

2. Mr.G.Balaraman

...

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records pertaining to the Notice issued by the 1st respondent in D4/3519/2015 dated 10.02.2016 and quash the same.

For Petitioner : Mr.M.Jaikumar

For R1 : Mr.R.Lakshminarayanan, AGP

ORDER

Heard the learned counsel appearing for the petitioner ; and Mr.R.Lakshminarayanan, learned Additional Government Pleader accepting notice on behalf of the 1st respondent and with their consent, the writ petition is taken up for final disposal at the admission stage.

2 The petitioner has filed this writ petition seeking for issuance of a writ of certiorari to quash the notice issued by the 1st respondent / Tahsildar, Mambalam Taluk dated 10.02.2016 calling upon the petitioner to pay a sum of Rs.6,54,407.33p., being the amount which has been awarded as compensation to the 2nd respondent herein in WC.No.235/2007 by the Deputy Commissioner of Labour, Chennai. Admittedly, the petitioner did not appear before the said Authority and therefore, an ex-parte order has been passed and the petitioner's application filed to set aside the exparte order had been dismissed as early as in the year 2013 and the order passed by the Deputy Commissioner of Labour has become final. The petitioner would state that in terms of the notice issued by the 1st respondent dated 11.11.2015, the total dues was stated to be Rs.3,20,918/- and the 1st respondent has acknowledged the

payment of Rs.1,50,000/- made by the petitioner and it stated that the balance which is due from the petitioner is Rs.1,70,918/-. The petitioner was shocked to receive the impugned notice stating that the petitioner has to pay a sum of Rs.6,54,407.33p. The petitioner would state that he does not know as to how the amount has increased from Rs.1,70,918/- to Rs.6,54,407.33p. Therefore, the petitioner seeks for quashment of the impugned notice.

3 In my view, the question of setting aside the impugned notice does not arise since the 1st respondent has initiated action for recovery of the amount payable by the petitioner pursuant to the order in WC.No.235/2007. But the only issue is as to how the amount has been arrived at Rs.6,54,407.33p., when in the notice dated 11.11.2015, the petitioner was informed that he has to pay only Rs.1,70,918/-.

4 In the light of the above, while rejecting the prayer to quash the impugned notice dated 10.02.2016, there will be a direction to the petitioner to pay a sum of Rs.1,70,918/- to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order and on such payment being effected, the 1st respondent shall give break-up details as to how the amount has been computed at Rs.6,54,407.33p. and grant six weeks time to the petitioner to pay the said amount.

5 The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

AP

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

The Tahsildar
Mambalam, Taluk Office
Mambalam Taluk
Chennai 600078.

+ 1 cc to Mr.M.Jayakumar, Advocate, SR 11440

+ 1 cc to Government Pleader, High Court, Madras SR 11371

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