

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.9304 of 2016 &
MP No.18295 of 2016

Henry Raj

[PETITIONER]

Vs

1 The Tahsildar
Purasawalkam, Chennai-600 033.

2 M.Kasthuri

3 K.S.Mani

[RESPONDENTS]

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 03.11.2015 in Rc.(B3)/07207/2015 of the 1st Respondent, quash the same and consequently direct the 1st respondent to give the statement of accounts for settlement of the dues, within a period of six months payable by the petitioner.

For Petitioner... Mr.R.Saravanakumar

For respondents... Mr.J.Balagopal -R1

Additional Government Pleader

O R D E R

Heard Mr.R.Saravanakumar, learned counsel for the petitioner and Mr.J.Balagopal, learned Additional Government Pleader for the first respondent and with the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal.

2.The petitioner challenged the proceedings of the first respondent, in and by which the first respondent has taken steps to recover the amount awarded as compensation to the respondents 2 & 3, in proceedings under the Workmen Compensation Act in W.C.No. 59 of 2006 dated 05.11.2008.

3.The petitioner would state that their Industry has virtually come to a stand still on account of various difficulties and he is in deep financial crises. It is stated that the petitioner has paid a sum of Rs.50,000/- to the first respondent, after the impugned notice was issued and in all the petitioner claims to have paid a sum of Rupees two lakhs.

4.In any event, so long as the award made in W.C.No.59 of 2006, remained unassailed, the petitioner has to make good the entire compensation awarded. Therefore, if the petitioner seeks some reasonable time to settle the entire amount, he should given such an undertaking before the first respondent which shall be agreed to by the respondents 2 & 3. Therefore, on the grounds raised by the petitioner, the impugned order cannot be set aside.

5.Accordingly, the Writ Petition fails and the same is dismissed. However, petitioner is granted liberty to negotiate with the respondents 2 & 3 and permit him to settle the entire amount in instalments. If such a request is made, the first respondent shall consider the same and try to work out the amicable settlement. No costs. Consequently, connected Miscellaneous Petitioner is closed.

rpa

s/d-
Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

The Tahsildar
Purasawalkam,
Chennai-600 033.

+ 1 cc to M/s. R.Saravanakumar, Advocate, SR 16770

+ 1 cc to Govt.Pleader, High Court, Madras SR 16349

ctk(co)
prk28/3

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