



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.11.2016

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.15462 of 2016

Vellaiyammal

... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Deputy Commissioner (South Andaman),
Office of the Deputy Commissioner,
(District of South Andaman),
Port Blair - 744 101,
Andaman & Nicobar Islands.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to recover the amount from the owner of the vehicle namely Mr.Palsamy awarded in M.C.O.P.No.459 of 2003 on the file of the Motor Accident Claims Tribunal, Pudukkottai (Principal District Court, Pudukkottai) by considering the petitioner's representation, dated 05.07.2016.

For Petitioner : Mr.K.Baalasundharam

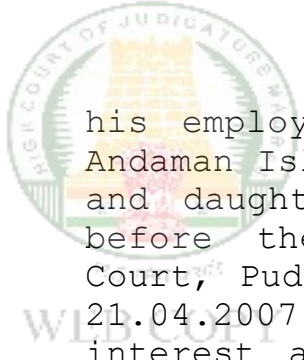
For R-1 : Mr.J.Gunaseelan Muthaiah,
Government Advocate

For R-2 : Mr.R.Murugappan

ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus directing the 2nd respondent to recover the amount awarded in M.C.O.P.No.459 of 2003 on the file of the Motor Accident Claims Tribunal, Pudukkottai (Principal District Court, Pudukkottai) by considering her representation, dated 05.07.2016.

<https://hcservices.ecourts.gov.in/hcservices/>
2. According to the petitioner, her son died in a motor accident occurred on 21.02.2002 at Andaman during the course of



his employment under one Palsamy of Dignabad, Anarkali Bazaar, Andaman Island. Hence, the petitioner, her husband, her minor son and daughter filed a claim petition in M.C.O.P.No.459 of 2003 before the Motor Accident Claims Tribunal (Principal District Court, Pudukkottai and in which, the Tribunal passed an award on 21.04.2007 awarding a sum of Rs.3,38,500/- as compensation with interest at the rate of 12% per annum from the date of claim petition till realisation. Since the amount is not recovered, the petitioner filed a petition under Section 174 of the Motor Vehicles Act for issuance of certificate of recovery to the first respondent for recovering the compensation amount. The Tribunal has also issued certificate to the first respondent. Even then, the first respondent has not sent the certificate to the second respondent to recover the amount. Hence, she has filed the present Writ Petition.

3. When the matter came up for hearing today, the learned Government Advocate appearing on behalf of the first respondent on instructions would submit that the first respondent already sent a communication to the second respondent with certificate of recovery of arrears from the owner of the vehicle. Subsequently, the second respondent sent a communication to the first respondent, dated 10.02.2015 stating that the papers said to have been sent by the first respondent is not traceable in the office of the second respondent and therefore, the second respondent requested the first respondent to send another copy of the documents.

4. In the above circumstances, the first respondent is directed to send a copy of all the related documents to the second respondent, within a period of two weeks from today. On receipt of the same, the second respondent is directed to take steps as per law within a period of four weeks thereafter.

5. With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(AS)

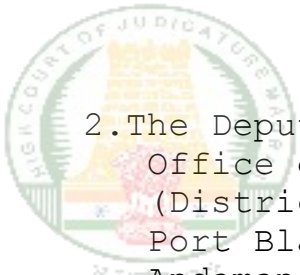
/True Copy/

Sub Assistant Registrar

pm

To

1.The District Collector,
Pudukkottai,
Pudukkottai District.



2.The Deputy Commissioner (South Andaman),
Office of the Deputy Commissioner,
(District of South Andaman),
Port Blair - 744 101,
Andaman & Nicobar Islands.

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+1cc to Mr.K.Baalasundharam,Advocate Sr.No. 65186

+1cc to Mr.R.Murugappan,Advocate Sr.No. 65246

+1cc to Spl.Government Pleader Sr.No.65307

JAM/14.11.16/GSV-PM/ 3p-6c

W.P (MD) No.15462 of 2016
02.11.2016