



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.21208 of 2016

Panneer Selvam

... Petitioner

Vs.

1.The District collector,
Pudukottai,
Pudukottai District.

2.The Tahsildar,
Kulathur Taluk,
Pudukottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Mandamus directing the Respondent to consider and dispose of the Petitioner's representation dated 12.09.2016 within a time frame to be stipulated by this Court.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

This Writ of Mandamus has been filed, seeking a direction to the respondents to consider and dispose of the Petitioner's representation dated 12.09.2016 within a time frame to be fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the stage of admission.

3.The petitioner herein filed W.C.No.86 of 2008 on 18.08.2011, claiming compensation. The Tribunal awarded a compensation at Rs.4,19,462/-. Thereafter the petitioner approached the Commissioner for Workmen's compensation for executing the said order. The Commissioner has sent a



communication to the District Collector, Pudukottai/the first respondent herein, seeking assistance to execute the order by taking proceedings under the Tamil Nadu Revenue Recovery Act, 1864.

4.The first respondent has forwarded the application to the second respondent for the purpose of recovering the amount from one Muthamilselvan, against whom, originally the claim petition was filed.

5.The person who is liable to pay compensation viz., Muthamilselvan, has filed insolvency petition in I.P.No.4 of 2012 in order to escape from the payment of compensation and it was dismissed on 08.08.2016 and even thereafter, the amount is not recovered.

6.The grievance of the petitioner is that the petitioner has suffered 80% permanent disability and even after getting a favourable order of compensation, he is not able to enjoy the fruits of the order, only because of the lackadaisical attitude adopted by the authorities, in helping Muthamilselvan in avoiding payment of compensation. Therefore, this Writ petition has been filed seeking a direction to the authorities concerned to implement the order passed by the Commissioner within the time frame to be fixed by this Court.

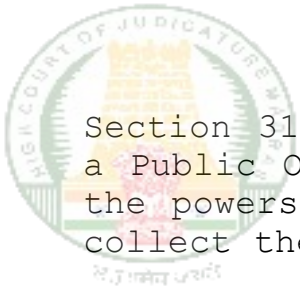
7.The learned counsel for the petitioner has relied upon Section 5 of the Tamil Nadu Revenue Recovery Act, 1864, under which, it is stated as follows:

"5.Recovery by Collectors of sums recoverable as arrears of revenue by other public officers or by local authorities.- Where any sum is recoverable as an arrear of land- revenue by any public officer other than a Collector or by any local authority, the Collector of the district in which the office of that officer or authority is situate shall, on the request of the officer or authority, proceed to recover the sum as if it were an arrear of land revenue which had accrued in his own district, and may send a certificate of the amount to be recovered to the Collector of another district under the foregoing provisions of this Act, as if the sum were payable to himself.

8.So far as this case is concerned, the proceedings of the Commissioner for Workmen's Compensation has already been forwarded to the District Collector by the proceedings dated 02.03.2015.

<https://hcservices.ecourts.gov.in/hcservices/>

9.It is relevant to point out that the Commissioner for Workmen's Compensation has been declared as a Public Officer under



Section 31 of the Workmen's compensation Act, 1923. Therefore, as a Public Officer, he requested the District collector to exercise the powers under the Tamil Nadu Revenue Recovery Act, 1864 and to collect the amount.

10. Under such circumstances, the first respondent is directed to implement the orders passed by the Commissioner for Workmen's Compensation within a period of eight weeks from the date of receipt of a copy of this order.

11. The Writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The District collector,
Pudukottai,
Pudukottai District.

2. The Tahsildar,
Kulathur Taluk,
Pudukottai District.

mj

RL/3C/3P/KM/28.11.2016

W.P (MD) No.21208 of 2016

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