

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19022 of 2017

&

W.M.P.No.20541 of 2017

M.Rajaram

.. Petitioner

Vs.

1.The Deputy Commissioner of Labour-II,
Authority under the Employees
Compensation Act, IInd Floor,
Labour Welfare Board Building,
DMS Campus, Teynampet,
Chennai - 6.

2.The District Collector,
Kanchipuram District.

3.The Tahsildar,
Kanchipuram Town & District.

4.Tmt.Kasthuri

5.Nithianandam

6.Tmt.Bharathi

7.Senthil

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Mandamus to forbear the respondents from proceeding further the revenue recovery proceedings against the petitioner in pursuance to alleged award passed in E.C.No.118 of 2004 on the file of the first respondent.

For Petitioner

: Mr.VKR.Balakrishnan

For R1

: Mr.K.Dhananjeyan

Special Government Pleader

O R D E R

The relief sought for in this writ petition is to forbear the respondents from proceeding further with revenue recovery proceedings against the petitioner in pursuance to the alleged

award passed in E.C.No.118 of 2004.

2. Admittedly, the writ petitioner, at the time of filing of this writ petition was aware of the award and he filed the petition to condone the delay in filing the petition to set aside the exparte award. When the writ petitioner is very much aware of the award and to set aside the exparte award, the writ petitioner seeks to forbear the respondents from proceeding further. The prayer to proceed with the revenue recovery proceedings is totally misconceived and such a prayer is sought for in order to prevent the authorities to continue their recovery proceedings under law. The proceedings initiated has to be allowed to be completed and the writ petitioner has filed this writ petition to prevent the respondents from proceeding with the award. The writ petitioner is entitled to contest the award in the manner known to law and not otherwise. This writ petitioner has already filed petitions to set aside the exparte award and to condone the delay in filing the petition to set aside the exparte award. Such being the factum of the case, no further adjudication need to be undertaken in this writ petition.

3. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected the miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Labour II
Labour Welfare Board Building
DMS Teynampet Chennai-6

2.The Collector Kancheepuram

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3.The Tahsildar, Kancheepuram Town
Kancheepuram District

+1 cc to M/s.V.K.R.Balakrishnan Advocate sr 19022
+1 cc to the Government Pleader sr 53989

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