

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.20374 of 2009

Angammal

... Petitioner

Vs.

1.The Tahsildar
Taluka Office,
Attur Taluk, Attur,
Salem District.

2.Varadaraju Naidu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the 1st respondent to proceed to execute the award passed by the Commissioner for Workmen Compensation, Salem Division in W.C.No.214 of 1994 dated 12.10.1996 on the properties of the 2nd respondent in accordance with law and recover the award amount within the time stipulated by this Court.

For Petitioner :Mr.R.Rajamani

For Respondents :Mr.N.Srinivasan,
Additional Government Pleader for R1

No appearance for R2

ORDER

One Periyasamy died during the course of employment under the second respondent. In respect of his death, compensation was awarded, but, his mother, the petitioner was unable to realize the fruit of the award, as it remain unexecuted. Therefore, she has filed this writ petition, seeking a direction to the 1st respondent to execute the award passed by the Commissioner for Workmen Compensation, Salem Division in W.C.No.214 of 1994 dated 12.10.1996, as against the second respondent, in accordance with law and recover the award amount within the time stipulated by this Court.

2. When the matter came up for hearing, the learned counsel appearing for the petitioner submitted that apart from the petitioner's son Periyasamy, six others died also during the course of employment under the same employer, the second respondent herein and that one Papathi Ammal, who is the mother of one of the workmen, had filed a writ petition in W.P.No.20446 of 2009 before this Court and this Court, by an order dated 08.10.2009, directed the District Collector to pass appropriate orders after obtaining report from the Tahsildar. The learned counsel for the petitioner submitted that this petitioner also seeks similar kind of order.

3. Even though under the Revenue Recovery Act, the District Collector has to pass orders and the same should be passed on the report submitted by the Tahsildar, namely, the first respondent. In such view of the matter, the District Collector, Salem, is directed to obtain necessary report from the first respondent Tahsildar based on the representation of the petitioner dated 25.06.2009 in respect of recovery of the amount due as per the award passed by the Commissioner of Workmen Compensation. The District Collector shall pass appropriate orders after obtaining report from the Tahsildar, which shall be submitted by the Tahsildar, first respondent herein, within a period of two weeks from the date of receipt of the order. Thereafter, the District Collector, Salem, shall pass appropriate orders regarding recovery of amount within a period of further four weeks.

4. The Writ Petition is disposed of accordingly. No costs.

Ogy

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar
Taluka Office, Attur Taluk,
Attur, Salem District.
2. The District Collector, Salem.

+lcc to M/s.Profexs Associates, vide, S.R.No.75964
+lcc to the Government Pleader, S.R.No.76416
+lcc to Mr.M.R.Chellappan, vide, S.R.No.75367(23/01/2019)

W.P.No.20374 of 2009

JP (CO)
KAK(08/01/2019)