

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.2092 of 2018

P.Thangaraj

...Petitioner

vs

1.The District Collector,
Thiruppur District,
Thiruppur.

2.The Tahsildar,
Thiruppur North Taluk,
Thiruppur,
Thiruppur District.

3.The Tahsildar,
Avinashi Taluk,
Avinashi,
Thiruppur District.

4.The Deputy Commissioner of Labour,
Salem,
Salem District.

5.K.Thangaraj

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents 1 o 3 to recover the interest amount of Rs.6,73,911/- as ordered in W.C.No.739 of 2005 dated 11.07.2014 by the fourth respondent under the Revenue Recovery proceedings in pursuant to the letter of the fourth respondent dated 04.11.2017 and deposit the same forthwith so as to enable the petitioner to protect his livelihood and medical treatment.

For petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.R.Govindasamy for R1 to R4
Special Government Pleader
No Appearance for R5

O R D E R

Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 to 4. Though notice was ordered to the fifth respondent and served on him, he has chosen not to appear before this Court. His name is printed in the cause list.

2.The petitioner seeks for a mandamus directing the respondents 1 to 3 to recover the interest amount of Rs.6,73,911/- as ordered in W.C.No.739 of 2005 dated 11.07.2014 by the fourth respondent under the Revenue Recovery proceedings in pursuant to the letter of the fourth respondent dated 04.11.2017.

3.The case of the petitioner is as follows:

He was engaged for carrying out certain work for the fifth respondent's cable network. While doing his work on 27.09.2004, he sustained grievous injuries which has resulted in causing 75% disability. He made an application before the fourth respondent for compensation under the provisions of Workmen Compensation Act, 1923 in W.C.No.739 of 2005. On 11.07.2014, the fourth respondent allowed the claim after an elaborate trial. A sum of Rs.5,06,745/- was awarded with interest at the rate of 12%. The said award was passed against the fifth respondent. However the fifth respondent did not pay the award amount. Hence the petitioner made an application before the fourth respondent for recovery of the award amount. The fourth respondent by proceedings dated 26.09.2014, directed the fifth respondent to deposit the said amount within 15 days. Again, the fifth respondent did not make such deposit. Thereafter, the matter was forwarded to the first respondent for recovering the award amount from the fifth respondent under the Revenue Recovery Act. The first respondent did not take any steps to recover the said amount. The petitioner filed a writ petition in W.P.No.24392 of 2015 directing the respondents 1 to 3 to recover the award amount under the Revenue Recovery Act. By order dated 07.08.2015, the said writ petition was disposed of by directing the respondents 1 to 3 to comply with the terms of the award. In pursuant to the said order, when the respondents 1 to 3 are taking steps for recovery of the award amount, the fifth respondent filed an appeal in C.M.A.No.1578 of 2017 challenging the award, however after depositing only the award amount of Rs.5,06,745/-. He has not deposited the interest amount accrued so far. The appeal was dismissed by this Court on 18.08.2017. No further appeal was filed by the fifth respondent challenging the order made in the said civil miscellaneous appeal. Thus, the petitioner made representation to the fourth respondent for recovery of interest of Rs.6,73,911/- under revenue recovery

proceedings. In turn, the fourth respondent directed the first respondent to recover the said amount from the fifth respondent, through his communication dated 04.11.2017. However the respondents 2 and 3 are not taking any steps to recover the award amount from the fifth respondent till this date. Therefore, the present writ petition is filed with the relief as stated supra. The petitioner also contended that he is suffering with 75% disability and nervous disorder and thus, his livelihood is deprived by the respondents.

4. Mr.Jothimanian, learned counsel for the petitioner submitted that though the petitioner has withdrawn the amount deposited by the fifth respondent to the credit of CMA No.1578 of 2017, the interest amount which is accrued so far, has not been paid to the petitioner by the fifth respondent, especially when he is bound by the award passed by the fourth respondent, which includes interest payable at the rate of 12% from 26.10.2004. He also invited this Court's attention to the proceedings of the fourth respondent issued on various dates calling upon the Revenue Department to recover the interest amount of Rs.6,73,911/- from the fifth respondent under the Revenue Recovery Act and send the same to the fourth respondent so as to enable the petitioner to receive the same from the fourth respondent. Therefore, he submitted that the respondents 1 to 3 are bound to recover the said amount from the fifth respondent under the Revenue Recovery Act and deposit the same so as to enable the petitioner to get such amount from the fourth respondent.

5.Learned Special Government Pleader, based on instructions, submitted that steps are being taken to recover the amount from the fifth respondent under the Revenue Recovery Act and therefore, sufficient time may be granted by this Court to complete such process.

6.The fifth respondent has not chosen to appear before this Court and deny the claim of the petitioner. In the absence of any other materials placed before this Court, it is to be taken that the award passed by the fourth respondent, as confirmed by this Court in CMA No.1578 of 2017 dated 18.08.2017, has become final, conclusive and binding on the parties. Therefore, the fifth respondent is bound to pay the interest amount as awarded by the fourth respondent, which in turn has to be recovered from him by the respondents 1 to 4 under the Revenue Recovery Act without any further delay, as he has not deposited the said money. Though it is stated by the learned Special Government Pleader that steps are being taken to recover the said money from the fifth respondent, considering the fact that the award itself was passed as early as on 11.07.2014 in a case filed in the year 2005 and further considering the fact

that the petitioner is having 75% disability and he is depending upon the award amount to eke his livelihood, the respondents 1 to 3 are directed to complete the entire process of recovery of the above amount from the fifth respondent under the Revenue Recovery Act and deposit the same before the fourth respondent within a period of 12 weeks, which in the considered view of this Court, is reasonable and sufficient time for the respondents 1 to 3 to act. On such deposit, the same shall be paid to the petitioner forthwith without further delay. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The District Collector,
Thiruppur District,
Thiruppur.
- 2.The Tahsildar,
Thiruppur North Taluk,
Thiruppur,
Thiruppur District.
- 3.The Tahsildar,
Avinashi Taluk,
Avinashi,
Thiruppur District.
- 4.The Deputy Commissioner of Labour,
Salem,
Salem District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.18787

+1cc to the Government Pleader, S.R.No.19275

W.P.No.2092 of 2018

RRK(20/03/2018)