

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.06.2018****CORAM:****THE HONOURABLE MR. JUSTICE S.S. SUNDAR****W.P. (MD) No. 10040 of 2018****WEB COPY**

K.Feroz Khan

... Petitioner

vs.

The District Collector
Madurai Collectorate
Madurai- 625 020

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 24.09.2017 and to take steps to recover Rs.3,40,500/- with subsequent cost and interest @ 7.5% till the date of recovery of the debt as arrears of Land Revenue from Mr. Bose Pandi as per the order passed in M.C.O.P. No.2001/2015 dated 23.03.2016.

For Petitioner : Mr.M.Ganesan

For Respondent : Mr.V.Anand

Government Advocate

O R D E R

The petitioner has filed the present writ petition for issuance of a writ of mandamus directing the respondent to consider his representation dated 24.09.2017 and to take steps to recover a sum of Rs.3,40,500/- with subsequent costs and interest @7.5% till the date of recovery of the debt as arrears of Land Revenue from one Bosepandi as per the orders passed in M.C.O.P.NO.2001 of 2015 dated 23.03.2016.

2. The petitioner states that he met with an accident at Madurai on 21.02.2015 and suffered injuries. He filed a claim petition before the learned Chief Judicial Magistrate, Madurai in M.C.O.P. No. 2001 of 2015 and obtained an award for a sum of Rs.3,40,500/- (Rupees Three lakhs forty thousand and five hundred only) along with interest on 23.03.2016.

3. Since the respondent in the claim petition has not paid the compensation amount, the petitioner filed a petition before the Motor Accident Claims Tribunal under Section 174 of the Motor Vehicles Act for issuing certificate to the Collector for recovery of the award amount from the respondent in the claim application as arrears of land revenue. The said application was allowed by an order dated 23.12.2016. Despite several reminders and representations, it is stated that the respondent has not taken any steps to recover the award amount against whom the



petitioner has obtained certificate from the Motor Accident Claims Tribunal. Section 174 of the Motor Vehicles Act reads as follows:

" Where any amount is due from any person under an award, the Claims Tribunal may, on an application made to it by the person entitled to the amount, issue a certificate for the amount to the Collector shall proceed to recover the same in the same manner as an arrear of land revenue".

4. It is not in dispute that the petitioner obtained a certificate as per section 174 of the Motor Vehicles Act. Under such circumstances, the respondent is bound to consider the representation of the petitioner and take steps for recovery of the award amount from the above said Bose Pandi as arrears of land revenue .

5. Hence, this petition is allowed and the respondent is directed to take steps in accordance with law particularly as contemplated under section 174 of the Motor Vehicles Act and Revenue Recovery Act within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

The District Collector
Madurai Collectorate
Madurai- 625 020

+1cc to Mr.M.Ganesan, Advocate Sr.No.70654

AAV

VB/SB/SAR2/11.07.2018/2P/3C

W.P. (MD) No. 10040 of 2018
28.06.2018