

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.16801 of 2019

N.Rajendran

... Petitioner

Versus

1.The Chief Secretary to Government,
Secretariat Buildings,
St George Fort, Chennai.

2.The Principal Secretary to Government,
Department of Transport,
Secretariat Buildings,
St George Fort, Chennai.

3.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Limited, Vazudha reddy post,
Villupuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 20.01.2017 and to deposit balance of enhanced award of Rs.3,87,044/- along with accrued interest till the date of full and final settlement as per order in CMA.No.407/2010 dated 23.12.2011, to the credit of MCOP.No.4772/2000 on the file of Chief Small Causes Court at Chennai by stipulating a time limit.

For Petitioner : Mr.A.S.Vijay Anand

For R1 & R2 : Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner herein has claimed compensation for the motor accident death of his wife in M.C.O.P.No.4772 of 2000 claiming compensation of Rs.40,00,000/- and the was heard and disposed of

by the Motor Accidents Claims Tribunal, Fast Track Court, Chennai on 19.03.2004, awarding compensation of Rs.5,53,000/-.

2. Aggrieved by that, the petitioner has preferred C.M.A.No.407 of 2010 and the Division Bench of this Court had enhanced the compensation from Rs.5,53,000/- to Rs.9,40,044/-. The grievance of the petitioner herein is that despite several representations till date the Managing Director, Tamil Nadu Transport Corporation, Villupuram has not paid the enhanced compensation amount.

3. It is submitted by the learned counsel appearing for the petitioner that to one of his petition to the Chief Minister Cell, the General Manager of the third respondent Corporation replied that necessary action is taken on his end and soon the enhanced compensation amount will be deposited after getting approval from the Accounts Department. Though this reply was made by the third respondent as early as on 29.03.2016, there was no further progress. Hence, another representation was sent on 20.01.2017 by the petitioner to the Chief Minister Cell and an identical reply was given by the third respondent on 18.03.2017. Even thereafter, the third respondent has not deposited the balance amount, which has forced the petitioner herein to file this present writ petition.

4. This Court initially had an impression that when there is a procedure established under law for seeking compensation and get the Award executed, exercising power under Article 226 of the Constitution of India is un-warranted. But then and after much persuasions of the learned counsel for the petitioner and on considering the irresponsible response by the third respondent who even after giving an undertaking that soon the money will be deposited, till date nothing has moved.

5. Till the public approach this Court has heard cases were the Chief Minister Cell with their grievance petition, the authorities do not act on their request or fail to redress their grievance but this is a case even after approaching the Chief Minister Cell, the respondents are not inclined to act upon their own commitment. In such circumstances, the aggrieved public have no other option but to approach this Court.

6. For the motor accident which has occurred 19 years ago, the compensation in full not paid even after proceedings culminated 8 years ago. The third respondent Corporation as well as the other two respondents, who have the supervisory jurisdiction over the third respondent, are squarely responsible for this undue delay. Therefore, it is directed that the third respondent herein shall comply his own commitment made vide his communications dated 29.03.2016 and 18.03.2017, by

depositing the compensation due with interest in the M.C.O.P.No.4772 of 2000 (Chief Small Causes Court, Chennai) account within a period of three weeks from today.

7. With the above observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Chief Secretary to Government,
Secretariat Buildings,
St George Fort, Chennai.
- 2.The Principal Secretary to Government,
Department of Transport,
Secretariat Buildings,
St George Fort, Chennai.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Limited, Vazudha reddy post,
Villupuram.

+1cc to Mr.A.S.Vijay Anand, Advocate Sr.49824
+1cc to the Government Pleader Sr.51197

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