

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :04.09.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.29211 of 2014

C.Durairaj

.. Petitioner

..vs..

1.The District Collector,
Vellore District.

2.The Tahsildar,
Walajah pet, Vellore.

3.M/s.Binji Pushparaman
No.49, West Street, Binji,
Ranipet - 632 401,
Vellore District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to recover a sum of Rs.81,900/- from the 3rd respondent along with interest in pursuance of the order passed by the labour court dated 07.04.1993.

For Petitioner : Mr.R.Dhineshkumar

For Respondents:Mr.N.Sakthivel
Additional Government Pleader for R1 & R2

R3 - Not ready in notice.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st and 2nd respondents to recover a sum of Rs.81,900/- from the 3rd respondent along with interest in pursuance of the order passed by the Labour Court, dated 07.04.1993.

2. The learned counsel for the writ petitioner states that the Labour Court passed an order on 07.04.1993 in I.D.No.129 of 1993, subsequently, the petitioner has sent various representations to the authorities concerned for recovery of the award amount. However, no action had been initiated for many

years. Thus, the writ petitioner is constrained to move the present writ petition.

3. After filing the writ petition, the respondents 1 and 2 had initiated action to recover the award amount under the provisions of the Revenue Recovery Act and pay the same to the writ petitioner viz., Thiru C.Durairaj, by following the procedures. During the enquiry, the District Collector Mr.R.Nandagopal, found that the hotel run by the third respondent was closed many years back and they have no other property in that locality to initiate further actions under the provisions of the Revenue Recovery Act. This apart, the owner of the hotel is not residing in that area. Under these circumstances, the report was submitted by the learned Additional Government Pleader stating that recovery amount was not settled based on the award of the Labour Court.

4. This Court is of the considered opinion that when the report has been filed based on the review conducted by the Revenue Officials stating that the award amount was unable to be recovered, this Court cannot pass any further orders which may not be implemented. This apart, the writ petitioner approached this Court belatedly. The Labour Court passed an order on 07.04.1993 and the writ petition is filed on 09.11.2014, after a lapse of about 21 years. The petitioner has slept over on his right and it is pertinent to note that a person who slept for many years, cannot wake up one fine morning and knock the doors of the Court for the redressal of his remedy. Such an approach can never be appreciated but to be deprecated. A person who wants to establish his right before the Court of law has to approach within a reasonable period. In this regard, the learned counsel for the petitioner states that he has repeatedly approached the respondent. Such a submission is unacceptable and would not strengthen the cause of action so as to entertain the writ petition after a lapse of 21 years from the date of passing of the order by the Labour Court.

5. In view of the facts and circumstances, this Court is not inclined to consider the relief as such sought for in the present writ petition. However, if at all any other grievance exist, the writ petitioner can recover in the manner prescribed under the Industrial Disputes Act and it is left open to take all further actions in accordance with law.

6. With these observations, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Pns

To

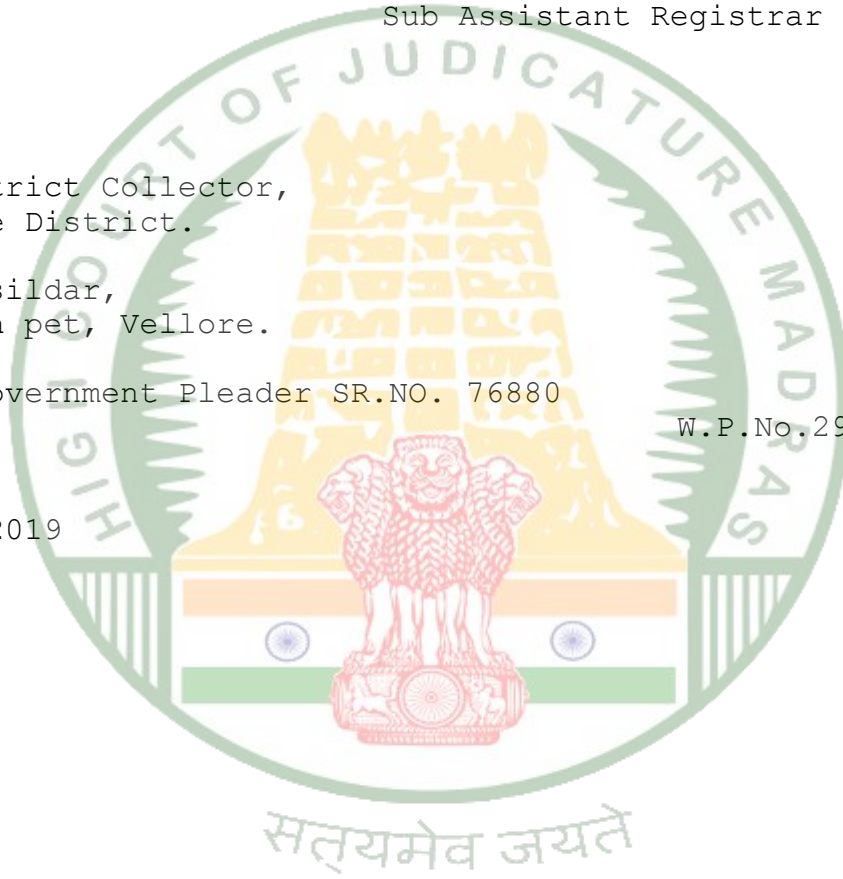
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+lcc to Government Pleader SR.NO. 76880

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