

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7078 of 2020

and

W.M.P. Nos. 8433 and 8528 of 2020

1. M/s. New Grand Hotel
Rep By its Proprietor,
H. Basheer,
No. 310, GST Road,
Chrompet,
Chennai – 44.

2. The Manager,
M/s. New Grand Hotel,
No. 310, GST Road,
Chrompet,
Chennai – 44.

... Petitioners

-VS-

1. The Tahsildar,
Pallavaram Taluk,
Pallavaram,
Chennai – 43.

2. Thirumathi Shenbagam

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the file of the First Respondent bearing NA kA 1660/2018/A-5 Dated 14.02.2020

and quash the same as null and void, unenforceable without jurisdiction.

For Petitioners : Mr. P. Sidharthan

For Respondents : Mr. D.Sathyaraj
Special Government Pleader (For R1)

Mr. S.Saravanan (For R2)

ORDER
(through video conference)

Heard Mr. P.Sidharthan, Learned Counsel for the Petitioner and Mr. D.Sathyaraj, Learned Special Government Pleader for the First Respondent and Mr. S.Saravanan, Learned Counsel for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the order in Na.Ka.No.1660/2018/A5 dated 14.02.2020 passed by the First Respondent under the provisions of the Tamil Nadu Revenue Recovery Act, 1864, requiring the Petitioner to pay the entire amount due to the Second Respondent, as per the order dated 28.08.2015 in E.C.No. 63 of 2014 passed by the Deputy Commissioner of Labour Court, Tirunelveli, under the Employees

Compensation Act, 1923.

3. It is represented by the Learned Counsel for the Petitioner that the entire amount under the award in E.C.No.63 of 2014 dated 28.08.2015 passed by the Deputy Commissioner of Labour Court, Tirunelveli, has been remitted with that authority and proof for the same has been produced before this Court during the earlier hearing on 07.08.2020. It is also informed that the Petitioner has preferred an appeal against that order of the said authority under Section 30 of the Employees Compensation Act, 1923 in CMA.SR.15873 of 2020 before the Madurai Bench of this Court and notice has been ordered in C.M.P.No.4632 of 2020 to condone delay in filing that appeal, which is pending. Inasmuch as the interests of the Second Respondent has been adequately safeguarded by depositing the entire amount under the award, there is no more necessity for the First Respondent to proceed with the impugned proceedings under the Tamil Nadu Revenue Recovery Act, 1864, and the outcome of the appeal before the Madurai Bench of this Court shall be awaited for payment out of the deposited amount to the Second Respondent.

Accordingly, the Writ Petition is disposed on the aforesaid terms.
Consequently, the connected Miscellaneous Petitions are closed. No costs.

30.09.2020

Maya/msm

Index : Yes/No

Note: Issue order copy by 05.10.2020.

To

The Tahsildar,
Pallavaram Taluk,
Pallavaram,
Chennai – 43.

Copy to:

1. M/s. New Grand Hotel
Rep By its Proprietor,
H. Basheer, No. 310, GST Road,
Chrompet, Chennai – 44.
2. The Manager,
M/s. New Grand Hotel,
No. 310, GST Road, Chrompet, Chennai – 44.
3. The Deputy Commissioner
Workmen Compensation Commission, Tirunelveli.

4. Tmt. Shenbagam,
W/o. Gurusamy, No.1448/6, Indira Nagar,
Kovilpatti Taluk, Tuticorin District.

P.D. AUDIKESAVALU, J.

Maya/msm



W.P. No. 7078 of 2020

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