

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.18882 of 2020

1.Murugan

2.Sundari

3.Kodeeswari @ Baby Shalini ... Petitioners

-Vs-

1.The District Collector
Coimbatore District - 641 018.

2.The Tahsildar, Coimbatore-North
Coimbatore District.

3.The Joint Commissioner of Labour-Cum-
Commissioner of Workmen's Compensation
Balasundaram Road,
Coimbatore District-641 018.

4.The Deputy Commissioner of Labour
Balasundaram Road,
Coimbatore District-641 018.

5. M/s.Ancient Greenfields Pvt Ltd.,
Rep.by its Proprietor, Mr.Murali
Near to Vishva Boundary, Edikarai Road
Periyanaickenpalayam, Coimbatore
District - 641 020.

6. M/s.Ancient Greenfields Pvt Ltd.,
Rep.by its Manager Mr.Anandhakumar
Near to Vishva Boundary, Edikarai Road
Periyanaickenpalayam, Coimbatore
District - 641 020. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the 2nd respondent to recover the balance amount from 5th and 6th respondents under the Revenue Recovery Act based on the award dated 07.02.2019 passed in E.C.No.61 of 2016 on the file of the

3rd respondent within the time to be stipulated by this Hon'ble Court.

For Petitioners: Mr.M.Vijay Raghavan

For Respondents: Mr.S.Thangavel,
Special Government Pleader

O R D E R

The prayer sought for herein is to direct the 2nd respondent to recover the balance amount from 5th and 6th respondents under the Revenue Recovery Act based on the award dated 07.02.2019 passed in E.C.No.61 of 2016 on the file of the 3rd respondent within the time to be stipulated by this Court.

2. The case of the petitioners is that the first petitioner is the father of the deceased employee viz., Boopathi, 2nd petitioner is the mother and the 3rd petitioner is the sister. The deceased employee was working in the fifth respondent company and on 28.09.2015 during the course of employment, he met with an accident by electric shock and died. Hence, the petitioners filed a petition in E.C.No.61 of 2016 before the third respondent claiming compensation under the Workmen Compensation Act, 1923. The same was allowed and an award dated 07.02.2019 was passed to the tune of Rs.8,85,480/- to be paid to the petitioners. However, as the award amount was not deposited, the petitioners approached the third respondent and the third respondent vide letter dated 25.06.2019 directed the second respondent to recover the award amount due to the petitioners, by initiating proceedings under the Revenue Recovery Act. Thereafter, the Management deposited a sum of Rs.4,00,000/- only before the Deputy Commissioner of Labour and the balance amount has not been deposited till date. The representation sent by the petitioners dated 27.01.2020 and 02.11.2020 has also not been considered by the respondents.

3. Hence, the petitioner has filed the present writ petition to direct the second respondent to recover the balance amount from 5th and 6th respondents under the Revenue Recovery Act based on the award dated 07.02.2019 passed in E.C.No.61 of 2016. Since no positive direction is being issued against the fifth and sixth respondents, notice to the fifth and sixth respondents is dispensed with.

4. Considering the limited relief sought for, this Court is inclined to dispose of this writ petition with a direction to the first and second respondents to consider the representations dated 27.01.2020 and 02.11.2020 after affording due opportunity to the fifth and sixth respondents, and pass appropriate orders

in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above directions, the above writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Collector,
Coimbatore District - 641 018.

2.The Tahsildar,
Coimbatore-North,
Coimbatore District.

3.The Joint Commissioner of Labour-Cum-
Commissioner of Workmen's
Compensation, Balasundaram Road,
Coimbatore District-641 018.

4.The Deputy Commissioner of Labour,
Balasundaram Road,
Coimbatore District- 641 018.

+1cc to Mr.M.Vijayaraghavan, Advocate, S.R.No. 40811

+1cc to the Government Pleader, S.R.No. 41111

सत्यमेव जयते

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CA (CO)

GN(18/01/2021)

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