

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.28255 of 2019

M.Kamaraj

...Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Coimbatore Taluk,
Coimbatore,
Coimbatore District.

3.The Deputy Commissioner of Labour,
Workmen Compensation Commissioner,
Salem District,
Salem.

4.M/s.Samraj Construction/Building Contractor,
Rep. by Administrative Officer,
103A, 7th Street, Tatapad,
Coimbatore 641 012.
Coimbatore District.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondents 1 and 2 to recover the award amount a sum of Rs.2,56,512/- along with interest @ 12% as ordered in W.C.No.528 of 2009 dated 30.10.2015 by the third respondent herein under Revenue Recovery Proceedings in pursuant to the letter of the third respondent dated 28.02.2019 and deposit the same forthwith so as to enable the petitioner to get workmen compensation for his livelihood and medical treatment.

For Petitioner :	Mr.M.R.Jothimanian
For Respondents:	Mr.D.Suryanarayanan for R1 to R3 Additional Government Pleader No Appearance for R4

O R D E R

This writ petition is filed for a mandamus to direct the respondents 1 and 2 to recover the award amount a sum of Rs.2,56,512/- along with interest at the rate of 12% as ordered in W.C.No.528 of 2009 dated 30.10.2015 by the third respondent herein under Revenue Recovery Proceedings in pursuant to the letter of the third respondent dated 28.02.2019 and deposit the same forthwith so as to enable the petitioner to get workmen compensation for his livelihood and medical treatment.

2. Though notice was issued and served on the fourth respondent, he has not chosen to appear either in person or through counsel. The name of the fourth respondent is printed in the cause list today.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

4. It is seen that an award was passed in favour of the petitioner in W.C.No.528 of 2009 under Workmen Compensation Act, 1923, wherein and whereby, the fourth respondent herein was directed to pay a sum of Rs.2,56,512/- to the petitioner herein with 12% interest towards compensation. The said order was made on 30.10.2015. The fourth respondent did not pay the said sum to the petitioner. After waiting for a long time, the petitioner made repeated applications before the first and second respondents for recovering the said amount. As his request was not considered, the present writ petition is filed with the relief as stated supra.

5. The second respondent filed a counter affidavit, wherein it is stated that the fourth respondent did not prefer any appeal against the above said award passed in favour of the petitioner. It is further stated that a sum of Rs.50,000/- was collected from the fourth respondent and paid to the petitioner through the third respondent. It is also stated therein that the balance principal amount of Rs.2,06,512/- was also collected and deposited before the third respondent by way of a Demand Draft No. 779596 dated 15.11.2019.

6. Learned counsel for the petitioner submitted that so far the petitioner has not received any sum from the fourth respondent or from the third respondent. It is further stated by the learned counsel that apart from the principal amount, the interest is also liable to be recovered from the fourth respondent.

7. From the abovestated facts and circumstances, it is seen that the principal sum viz., Rs.2,56,512/- has been recovered from the fourth respondent and is deposited with the third respondent. It is an admitted fact that the petitioner has not withdrawn the said sum so far.

8. Considering the fact that the fourth respondent has not chosen to challenge the award passed on 30.10.2015 and further considering the fact that the principal amount has been collected from the fourth respondent and now it is lying with the third respondent, this writ petition is disposed of as follows:

a) The petitioner is permitted to withdraw the sum of Rs.2,56,512/- (Rupees Two Lakhs Fifty Six thousand Five Hundred and Twelve only), which was deposited with the third respondent, immediately;

b) The respondents 1 and 2 are directed to recover the interest amount from the fourth respondent at the rate of 12% as ordered by the said Authority and pay the same to the petitioner within a period of four weeks.

No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Coimbatore Taluk,
Coimbatore,
Coimbatore District.

3.The Deputy Commissioner of Labour,
Workmen Compensation Commissioner,
Salem District,
Salem.

4.M/s.Samraj Construction/Building Contractor,
Rep. by Administrative Officer,
103A, 7th Street, Tatapad,
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Coimbatore District.

+1cc to Mr.M.R.Jothimanian, Advocate, SR.No.15096.
+1cc to Government Pleader, SR.No.15686.

W.P.No.28255 of 2019

VSN II(CO)
CSR: 25.02.2020



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