



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.15672 of 2014

Muniyappan

... Petitioner

-Vs-

1. Velammal @ Velayee,

2. The Deputy Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Dindigul,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein not to take any action under the Revenue Recovery Act against the petitioner as per the proceedings of the second respondent made in Na.Ka.No.AA6/5842/2013, dated 25.10.2013 in respect of the Award passed in W.C.No.20/2006 dated 10.05.2013 and afford reasonable opportunity to the petitioner for settlement of the compensation.

For Petitioner : Mr.J.Lawrance

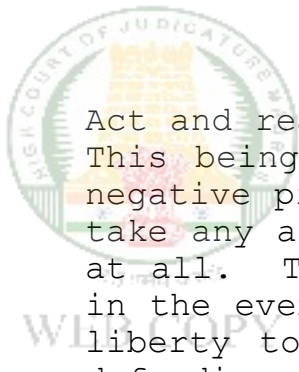
For Respondents : No Appearance (for R1)

Mr.S.Dhayalan
Government Advocate (for R2)

ORDER

The relief sought for in the present writ petition is to direct the second respondent herein not to take any action under the Revenue Recovery Act against the petitioner as per the proceedings of the second respondent, dated 25.10.2013.

2.This Court is of the considered opinion that such a negative relief cannot be granted at all. The negative relief sought for not to invoke the provision of law is to be rejected on the threshold. The proceedings, dated 10.05.2013, is the award passed by the Workman Compensation Tribunal in W.C.No.20 of 2006 under the Workman Compensation Act. The award passed is to be executed by the competent authorities by invoking the Revenue Recovery Act. The Commissioner itself is the competent to invoke the provisions of the



Act and realize the award amount and settle the same to the victim. This being the process of law contemplated under the Statute, the negative prayer now sought for in the present writ petition, not to take any action under the Revenue Recovery Act cannot be considered at all. Thus, the writ petitioner has not made out any ground and in the event of initiation of any proceedings, the petitioner is at liberty to defend the same in the manner prescribed. Instead of defending the case before the competent authority, the petitioner has chosen to file the writ petition with a negative prayer and accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

The Deputy Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Dindigul, Dindigul District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-26111[F] dated 18/12/2020)
+1 CC to the SPL GP (SR-26276[F] dated 18/12/2020)

W.P. (MD) .No.15672 of 2014
17.12.2020

(CO)
CS(29.12.2020) 2P 4C