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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28861 of 2013
and
M.P.Nos.1 & 2 of 2013

Master India Water Proofing Services (P) Limited
Rep.by its Managing Director Mohan Reddy,
No.11/6, 3rd Street, Rangarajapuram,
Saidapet, Chennai - 15.

...Petitioner

Vs

1.The Commissioner for Workmen's Compensation,
Office of the Deputy Commissioner of Labour - I,
DMS, Chennai - 600 006.

2.The Tahsildar,
Mambalam - Guindy Taluk,
Chennai - 600 078.

3.E.Maheswari

4.E.Dhinesh Kumar

5.E.Padmavathy

6.E.Yamini

7.E.Balaraman

3 to 7 Represented by P.Subramani (Labour Union Officer)
Thangavel Pillai Garden 1st Street,
Korukkupet, Chennai - 21.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent and quash the impugned Distraint Order dated 25.9.2013 purporting to be under Section 8 (Appendix II, Standing Order No.41, Paragraph 25) of Tamilnadu Revenue Recovery Act of 1864 issued to the petitioner as the same is unconstitutional, arbitrary, ultra vires, illegal and against all principles of law and natural justice and further forbear the 2nd respondent from initiating any further revenue recovery proceedings against the petitioner and the petitioner's property pursuant to the impugned Distraint Order or otherwise.



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For Petitioner : Mr.A.Vimal Raj
For Mr.N.R.Anantha Ramakrishnan
For Respondents : Mr.C.Jaya Prakash
Government Advocate
[For R1 and R2]
R3 to R7 : Dismissed vide Court order
dated 03.06.2015

O R D E R

The writ petition is filed, challenging the Dstraint order dated 25.07.2013 issued under the provisions of the Tamil Nadu Revenue Recovery Act.

2. Admittedly, the legal heirs of the workman filed a Claim Petition under the Workmen Compensation Act in W.C.No.165 of 2009. An Award was passed on 12.04.2012. Based on the award, recovery proceedings are initiated under the Revenue Recovery Act by the second respondent/Tahsildar. The Tahsildar passed the Dstraint order on 25.07.2013, distraining the property of the petitioner, in view of the default committed by the petitioner to settle the compensation awarded in favour of the workman.

3. The learned counsel for the petitioner, on instructions, made a submission that the petitioner company is running in financial loss and therefore, they are not entitled to settle the awarded amount. This being the submission made, the respondents 1 and 2 are directed to initiate all appropriate actions pursuant to the Dstraint order passed in proceedings dated 25.07.2013, realise the award amount along with the interest and settle the same in favour of the legal heirs of the workman, who all are respondents 3 to 7 in the present writ petition.

4. With these directions, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner for Workmen's Compensation,
Office of the Deputy Commissioner of Labour - I,
DMS, Chennai - 600 006.

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2. The Tahsildar,
Mambalam - Guindy Taluk,
Chennai - 600 078.

+1cc to the Government Pleader Sr No.57896

W.P.No.28861 of 2013

KSM (CO)
PR (24/11/2021)