



W.P. No.11434 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM

THE HON'BLE MR.JUSTICE **M.S.RAMESH**

W.P. No.11434 of 2013
and M.P. No.2 of 2013

A.Vivekanandan

.. Petitioner

Vs

1.The Director General of Police,
Post Box No.609,
Dr.Radha Krishna Road,
Chennai-4.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Bangalore Road,
Krishnagiri Town and District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the entire records in connection with the impugned order of the second respondent DO.240/2013 RC.No.C1/25003/12 dated 02.04.2013 and quash the same Proceedings of the second respondent dated 02.04.2013.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.G.Ameedins,
Government Advocate



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ORDER

Challenging the impugned order in DO.240/2013 RC.No.C1/25003/12 dated 02.04.2013 passed by the second respondent, this writ petition has been filed.

2.The petitioner herein while serving as a Driver/Grade-II Police Constable in the Armed Reserve was involved in a motor accident, resulting in injury to a Civilian. When the injured person had made a claim before the Motor Accident Claims Tribunal in M.C.O.P. No.611 of 2007, a judgment and decree passed on 16.08.2011, fixing the compensation of Rs.1,79,830/-. On 26.09.2012, the second respondent herein had passed an order directing the petitioner to pay the compensation amount to the victim. Thereafter, the second respondent had passed another order on 02.04.2013 directing recovery of the compensation amount in 36 instalments from the petitioner. Challenging the order of recovery, the present writ petition has been filed.

3.The writ petition requires to be allowed on the simple ground of violation of the principles of natural justice. When the Motor Accident Claims Tribunal had passed the judgment awarding



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compensation, the direction to pay the compensation amount was fixed on the second respondent herein. However, when the second respondent had passed the order on 26.09.2012 directing the petitioner herein to pay the amount, he was not put on prior notice. The second respondent had also not challenged the judgment of the Tribunal, whereby the compensation was awarded. This apart, when the second respondent had passed the other order on 02.04.2013, the same was based on the orders issued by the Director General of Police dated 15.12.2012 which proceedings was also without any prior notice to the petitioner herein. The order of recovery is in gross violation of the principles of natural justice and hence cannot be sustained. Accordingly, the impugned order dated 02.04.2013 passed by the second respondent is quashed. The writ petition stands allowed accordingly. Consequently, connected M.P. stands closed. No costs.

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Index : Yes
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M.S.RAMESH,J.

vga

To

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