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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.NO.1717 OF 2022

M.Surekha

... Petitioner

Vs.

1. The Joint Deputy Commissioner of Labour II,
(For Employees Compensation Act)
D.M.S.Compound, Teynampet,
Chennai 600 006.
2. The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai 600 001.
3. Harsha Constructions,
Rep. by its Proprietor
No.51, Hunters Road,
Chennai-600 112.
4. The Divisional Engineer
Maintenance (Buildings)
Southern Railway
Mylapore Division
Chennai-600 004.
5. The General Manager,
Southern Railway,
Moore Market Complex,
Chennai.
6. The New India Assurance Co., Ltd.,
1090, EVR Periyar Salai, 1st Floor,
AR Complex, Chennai-600 084.

... Respondents



Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to initiate revenue recovery proceedings by making necessary request to the 2nd respondent and consequently direct the 2nd respondent to take appropriate action under the Revenue Recovery Act in accordance with law and recover the amount of compensation with interest from the respondents and as per the award in W.C.No.253 of 2006 dated 10.05.2018, within the time frame fixed by this Court without any further delay.

For Petitioner : Mr.R.Prabhavathy

For Respondents : Mr.P.Balathandayutham for RR1 & 2
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to initiate revenue recovery proceedings by making necessary request to the 2nd respondent and consequently direct the 2nd respondent to take appropriate action under the Revenue Recovery Act in accordance with law and recover the amount of compensation with interest from the respondents and as per the award in W.C.No.253 of 2006 dated 10.05.2018, within the time frame fixed by this Court without any further delay.

2. According to the writ petitioner, the petitioner's husband Muthu was employed in construction work under the respondents 3, 4 and 5 and on 04.02.2006, while he was discharging his work of constructing the railway bridge, he fell down and died due to fatal injuries. Thereafter, the petitioner approached the respondents 3, 4 and 5 to pay compensation for the death of her deceased husband in the course of his employment. She filed W.C.No.253 of 2006 before the 1st respondent for payment of workmen compensation of Rs.4,00,000/- as per the Act and the 1st respondent has passed an order on 10.05.2018 awarding compensation of Rs.4,05,820/-. Since the respondents 4 and 5 failed to comply with the order and not deposited the amount of compensation with the authority, the petitioner sent a representation dated 12.02.2019 to the 1st respondent for necessary direction to the 2nd respondent for



initiating proceedings under Revenue Recovery Act. Till date, no action has been initiated by the 1st respondent to issue certificate of recovery to the 2nd respondent to recover the awarded amount. Hence the instant writ petition.

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3. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the 1st respondent/Joint Deputy Commissioner of Labour-II, Chennai, has sent a communication to the 2nd respondent/District Collector on 14.08.2019, to recover the dues from the defaulters by invoking the provisions of Revenue Recovery Act and sent a demand draft for a sum of Rs.4,05,820/- in favour of the Joint Deputy Commissioner of Labour-II. Based on the said communication, the 2nd respondent / District Collector, Chennai has forwarded a letter to the jurisdictional Tahsildar, Mylapore, on 13.12.2019, to take necessary action to recover the said amount of Rs.4,05,820/- under the Tamil Nadu Revenue Recovery Act 1864. Based on the aforesaid order received by the Tahsildar, Mylapore, Chennai, he has sent a demand notice to the 4th respondent / The Divisional Engineer, Buildings Maintenance on 16.02.2022. The said copy of the proceedings has been placed before this Court.

4. Pursuant to the receipt of the communication from the 1st respondent, the revenue officials have not taken any action to proceed further for recovery of the amount under Tamil Nadu Recovery Act. It appears that several writ petitions in similar nature are pending before this Court and on coming to the facts of the case on hand, where the 2nd respondent/District Collector has forwarded a communication to the Tahsildar, Mylapore, Chennai, by a letter dated 13.12.2019, requesting him to take necessary action to recover the dues from the defaulters specifically by way of demand draft and after receipt of the copy of the aforesaid communication by the Tahsildar, Mylapore, the present demand notice has been issued. Therefore, the delay on the part of the respondent officials has been strongly deprecated by this Court. Whenever they received communication from the officer concerned either from the Joint Deputy Commissioner of Labour to Tahsildar, Mylapore, the concerned authority has to take action under the provisions of the Revenue Recovery Act, otherwise the concerned officer shall take serious view on this issue and proceed to call for explanation and initiate physical action against the officer concerned, if any delay is made by him.

5. In view of the above facts and circumstances of the case, this Court is inclined to direct the 2nd respondent to complete



the said exercise in accordance with law, after providing opportunity to the parties concerned, as expeditiously as possible, more preferably within a period of four months from the date of receipt of a copy of this order.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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(For Employees Compensation Act)
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3. The Divisional Engineer
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Southern Railway
Mylapore Division
Chennai-600 004.
4. The General Manager,
Southern Railway,
Moore Market Complex,
Chennai.

+1cc to Mr.R.Prabhavathy, Advocate, S.R.No.10231
+1cc to the Government Pleader, S.R.No.10737

W.P.No.1717 of 2022

KG(CO)
PM/08/03/2022