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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 36610 of 2016

Sivakumar … Petitioner

-vs-

1. The Deputy Commissioner of Labour,
   Collectorate,
   Salem.

2. The Revenue Divisional Officer,
   Collectorate,
   Salem.

3. The Tahsildar,
   Sevvapet,
   Salem.

4. The New India Assurance Co.Ltd.,
   Sevvapet,
   Salem. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents herein to initiate Revenue Recovery proceedings to recover the amount from the Fourth Respondent as per award passed by the First Respondent in W.C. No. 82 of 2013 dated 17.06.2016 within the stipulated time to be fixed by this Court.

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For Petitioner : Mr. C.Munusamy

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader
(for R1 to R3)

Mr. J.Michael Visuvasam (for R4)

O R D E R

Heard Mr. C.Munusamy, Learned Counsel for the Petitioner, Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the First to Third Respondents and Mr. J.Michael Visuvasam, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is brought to notice that the amount sought to be recovered in the Writ Petition is the additional amount granted in the order dated 17.06.2016 in W.C. No. 82 of 2013 passed by the First Respondent by reviewing the earlier order passed for compensation. It is further submitted that the Fourth Respondent has preferred appeal against that order and as condition for entertaining such appeal, the compensation amount has been deposited before the First Respondent and this Court by order dated 01.03.2021 in C.M.A. No. 352 of

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2017 had set aside the order insofar as it relates to enhanced amount of compensation and as such, the question of recovering that amount from the Fourth Respondent does not arise.

3. In such circumstances, the Writ Petition is dismissed. No costs.

29.06.2022

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Index: Yes/No

Note: Issue order copy by 18.07.2022.

To

1. The Deputy Commissioner of Labour,
   Collectorate,
   Salem.

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   Salem.

3. The Tahsildar,
   Sevvapet,
   Salem.

4. The New India Assurance Co. Ltd.,
   Sevvapet,
   Salem.

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P.D. AUDIKESAVALU, J.

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