



W.P(MD)No.13908 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13908 of 2022

Pothumponnu

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk Office,
Madurai District.

3.The Commissioner for Workmen's Compensation,
Madurai.

4.R.Natchammal

5.Ramalingam @ Kidavetti

6.Thirumurugan

7.T.Rathinam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to recover the amount from the 4 to 6th respondents in light of the order passed in W.C.No. 537 of 2002 on the file of the 3rd respondent under Revenue Recovery Act, 1890 and to disburse the same to the petitioner at the earliest.



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For Petitioner : Mr.K.Kumaravel
For R1 to R3 : Mr.J.K.Jayaseelan
Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for R1 to R3.

2. The private respondents could not be served. The private notice sent by the petitioner to R4 to R7 have been returned with an endorsement 'deceased'. Even the court notice issued to the seventh respondent could not have been served.

3. Be that as it may, the fact remains that the petitioner filed W.C.No.537 of 2002 on the file of the third respondent against R4 to R7. The third respondent in his award had held that R4 to R6 are the principal employers and they were directed to pay Rs.4,47,920/-. They were permitted to recover the award mount from the seventh respondent herein.

4. As per the statutory scheme, if the persons who had suffered the award, do not comply with the award, the revenue authorities are bound to invoke the provisions of the Revenue Recovery Act.



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5. In this case, the second respondent has not initiated effective steps.

I therefore direct the respondents 1 & 2 to take emergent steps for enforcing the award dated 30.11.2024 made in W.C.No.537 of 2002 on the file of the third respondent. If the persons who had suffered the award are no more, action can be taken against the legal heirs. Of-course, the legal heirs will be liable only to the extent of their inheritance. The second respondent should bear the relevant principles of law in mind and act accordingly. The entire exercise shall be completed within a period of five months from the date of receipt of a copy of this order. At the end of five months, the second respondent will intimate the petitioner about the progress. If the second respondent could succeed in his effort to recover, the amount shall also be disbursed to the petitioner.

6. The writ petition is disposed of with the aforesaid direction. No costs.

24.11.2022

Index : Yes / No

Internet : Yes/ No

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To

1.The District Collector,
Madurai District,
Madurai.



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2.The Tahsildar,
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