



WEB COPY



WP.No.9533 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9533 of 2018
& W.M.P.Nos.11440 of 2018

C.S.Rangarajan Iyengar

...Petitioner

Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur-602 001.

2.The Tahsildar,
Thiruvallur District,
Thiruvallur-602 001.

3.V.Venkatesan

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records of the 2nd respondent distraint notice dated 04.04.2018 under Reference No.Na.Ka.Pa.Ve./ 2018/A Form No.11 Namuna issued under Section 8 of distraint order and to quash the same as illegal and invalid.

For Petitioner : Mr.P.Padmaja Mohan

For RR-1 & 2 : Mr.M.S.Prem Kumar,
Government Advocate

For R-3 : Mr.M.Manivannan



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ORDER

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Aggrieved by the impugned notice dated 04.04.2018 issued by the 2nd respondent, the petitioner has filed this Writ Petition.

2. It is the case of the petitioner that he was engaging the services of the 3rd respondent/workman. While he was in duty, the 3rd respondent met with an accident due to which he lost his right leg. On account of the said accident, the 3rd respondent filed W.C.No.115 of 2010 against the petitioner claiming compensation amount, wherein, an ex-parte award came to be passed directing the petitioner to pay a sum of Rs.2,78,335/- towards compensation. Subsequently, the petitioner filed an application to condone the delay of 420 days in setting aside the ex-parte award in I.A.No.44 of 2015 which was allowed by an order dated 25.09.2013. After the cross examination of the 3rd respondent, the matter was posted for doctor's evidence on 09.04.2014. However, the ex-parte award dated 01.06.2015 came to be passed against the petitioner against which, the petitioner preferred a Writ Petition before this Court, wherein the petitioner was directed to prefer CMA and accordingly, the CMA was preferred by the



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petitioner which was numbered as CMA.SR.No.6841 of 2016 and returned.

While so, the 2nd respondent issued a distraint notice dated 04.04.2018 under Section 8 of the Revenue Recovery Act for the purpose of recovering the compensation amount of Rs.2,78,335/- from the petitioner. Challenging the same, the petitioner has filed this Writ Petition.

3. When W.M.P.No.11440 of 2018 came up for admission, this Court vide order dated 18.04.2018, had granted an order of interim stay upon condition that the petitioner shall pay 50% of the award amount.

4. When the matter is taken up for hearing, learned counsel for the petitioner submitted that during the pendency of this Writ Petition, the petitioner had passed away and his legal heirs are taking steps to pay the balance 50% of the award amount.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



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6. In view of the stand taken by the learned counsel for the petitioner, the legal heirs of the petitioner are directed to deposit the balance 50% of the award amount with accrued interest by way of demand draft in favour of the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. Till such time, respondents 1 & 2 shall not take any coercive steps against the petitioner for recovering the said amount. Upon such deposit, the 3rd respondent is at liberty to withdraw the said amount.

7. Accordingly, this Writ Petition stands disposed of with the above direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes (or) No

Neutral Citation : Yes (or) No

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M.DHANDAPANI, J

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