



W.P.No.34121 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34121 of 2012

Raman

... Petitioner

-Vs-

1. The District Collector,
Thiruvallore District,
Thiruvallore.

2. The Deputy Commissioner of Labour-II,
Teynampet, Chennai – 600 006.

3. A.N.Ramesh Babu

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to initiate the revenue recovery proceedings against the third respondent in pursuant to the letter dated 09.04.2012 of the second respondent and consequently directing the first respondent to deposit the said award amount before the second respondent within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.A.Iangovan



W.P.No.34121 of 2012

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For Respondents

R1 and R2 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
R3 : Notice served
No appearance

ORDER

This Writ Petition has been filed for direction directing the first respondent to initiate the revenue recovery proceedings against the third respondent in pursuant to the letter dated 09.04.2012 issued by the second respondent.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2 and perused the materials available on record. Though notice served on the third respondent and his name has been printed in the cause list, no one appeared before this Court today, either in person or through pleader.

3. The petitioner had worked as a Driver with third respondent vehicle. On 16.03.2000, the said vehicle met with an accident and as such, the petitioner got permanent disability. Hence, the petitioner filed a claim petition in W.C.C.No.169 of 2000 before the second respondent



W.P.No.34121 of 2012

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under the Workmen's Compensation Act, 1923. The second respondent passed an order dated 10.10.2001, thereby awarded a sum of Rs.2,63,940/- with an interest at the rate of 12% payable by the third respondent, within a period of 30 days from the date of receipt of the order.

4. The third respondent did not file any appeal as against the order passed by the second respondent. Therefore, in order to execute the order passed by the second respondent, the petitioner filed an application before the second respondent. On receipt of the same, the second respondent had sent a communication dated 19.08.2011 to the third respondent to deposit the award amount. Even then, the third respondent did not take any steps to deposit the award amount. Therefore, the second respondent sent a communication dated 09.04.2012 to the first respondent, to initiate revenue recovery proceeding against the third respondent, to recover the award amount with the interest at the rate of 12%. However, the first respondent did not take any action under the Revenue Recovery Act against the third respondent.

5. Considering the above fact and circumstances of the case, this



W.P.No.34121 of 2012

WEB COPY

Court is inclined to direct the first respondent to take immediate steps under the Revenue Recovery Act, to recover the award amount of Rs.2,63,940/- with interest at the rate of 12% against the third respondent, in accordance with law, within the period of eight weeks from today, if not already recovered from the third respondent.

6. With the above directions, this Writ petition is allowed. No costs.

08.09.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn/nsl



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W.P.No.34121 of 2012

G.K.ILANTHIRAIYAN, J.

mn

To

1. The District Collector,
Thiruvallore District,
Thiruvallore.
2. The Deputy Commissioner of Labour-II,
Teynampet, Chennai – 600 006.

W.P.No.34121 of 2012

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