



W.P.No.18605 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.18605 of 2021

1.S.Marathal
2.Kanagaraj
3.Saravanan

... Petitioners

Vs.

1.The District Collector,
Coimbatore District – 641 018.

2.The Tahsildar,
Palladam Taluk,
Coimbatore Taluk.

3.The Deputy Commissioner of Labour,
Commissioner of Workmen's Compensation,
Balasundaram Road,
Coimbatore District – 641 018.

4.The Management,
M/s.Raja Rajeswari Spinning Mills,
Aathappa Gounden Pudur Road,
Kulathur, Neelambur Village,
Palladam Taluk,
Coimbatore Taluk – 641 062.



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5.The Commissioner of Police,
Coimbatore District.

... Respondents

(R5 impleaded via suo moto vide orders dated 24.09.2021 in W.P.No.18605/2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to recover the Award amount of Rs.1,65,692/- together with interest @ 12% per annum from the date of accident i.e. 28.02.2004 till the date of recovering the Award amount from the fourth respondent under the Revenue Recovery Act based on the Award dated 01.06.2005 passed in W.C.No.71/2004 on the file of the third respondent within the time frame to be stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For RR1 to 3 : Ms.C.Meera Arumugam, AGP

ORDER

The writ petitioners are the legal heirs of the deceased employee Pattisamy who was working in the fourth respondent Management. On 28.02.2004, when Pattisamy was cleaning a septic tank of the fourth respondent Company, he died after inhaling poisonous gases. The legal heirs of the deceased employee Pattisamy filed a petition



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under Section 10(1) of the Workmen Compensation Act, 1923 in W.C.No.71/2004 before the third respondent, the Deputy Commissioner of Labour, Coimbatore who passed orders dated 01.06.2005 directing the fourth respondent to pay a compensation of Rs.1,65,692/- to the writ petitioners within a period of twenty days from the date of receipt of a copy of the order failing which the amount shall be deposited together with interest @ 12% per annum from the date of default committed by the fourth respondent.

2. Since the Management did not pay any compensation as ordered by the Deputy Commissioner of Labour, the writ petitioners sent a letter dated 23.11.2005 to the fourth respondent to make good the payment and it did not evoke any response. Subsequently, the third respondent sent a letter vide No.B1/RR.03/2006 dated 15.02.2006 to the first respondent requesting the latter to take necessary action under the Revenue Recovery Act against the Management. The first respondent in turn directed the second respondent, Tahsildar, Palladam Taluk, Coimbatore to recover the amount from the fourth respondent



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Management under the said Act.

3. The grievance of the writ petitioner is that though the first respondent, District Collector directed the second respondent, Tahsildar to recover the amount from the fourth respondent, till date no action has been initiated by the respondents 1 & 2.

4. Though notice was sent to the fourth respondent Management, the same was returned with an endorsement as 'Company closed'.

5. Ms.C.Meera Arumugam, learned Additional Government Pleader for the respondents 1 to 3 would contend that the first respondent will take necessary steps to recover the amount from the fourth respondent as expeditiously as possible.

6. It is shocking to note that though the order was passed in the year 2004 for the death of one Pattisamy who died while cleaning the



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septic tank of the fourth respondent Management, the compensation amount of Rs.1,65,692/- has not been settled to the legal heirs of the deceased employee Pattisamy till date. In fact, the third respondent has sent a communication to the first respondent requesting the latter to take immediate action under the Revenue Recovery Act.

7. Considering the facts and circumstances of the case, the respondents 1 & 2 are directed to proceed further with the communication dated 15.02.2006 and recover the amount from the fourth respondent Management within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

01.12.2023

(1/3)

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.

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