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W.P.No.23593 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.23593 of 2022

Mrs. Valarmathi

... Petitioner

Vs.

1. The District Collector,
Chennai District
Office of the District Collector
Chennai

2. Tahsildar
Purasaiwakkam Taluk
Chennai

3. The Branch Manager
United India Insurance Co. Ltd.
No.57, Purasaiwakkam High Road
Above Axis Bank
Purasaiwakkam, Chennai 600 084

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to recover the amount of Rs.6,77,760/- with 12% interest from 04.09.2011 and funeral expenses of Rs.5,000/- from the 3rd respondent as per Tamilnadu Revenue Recovery Act in respect of the orders passed by the Joint Commissioner of Labour-I in Workman Compensation Case No.30/2015



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and to consider his representation to the second respondent dated 29.06.2022.

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For Petitioner : Mr. M.Jaikumar
For R1 & R2 : Mr.M. Shahjahan,
Special Government Pleader

ORDER

The writ petitioner is the wife of G.Selvam, who met with a fatal accident on 04.09.2011 during the course of his employment and died. The petitioner filed a petition under Workmen's Compensation Act, 1923, before the Joint Commissioner of Labour-I, Chennai, in Workman Compensation Case No.30/2015. The Joint Commissioner of Labour-I, Chennai, vide his orders dated 23.12.2019, awarded a compensation of Rs.6,77,760/- together with interest @ 12% per annum from 04.09.2011 and also a sum of Rs.5,000/- towards funeral expenses to the legal heirs of the deceased G. Selvam.

2. According to the Writ Petitioner, the 3rd respondent had not paid the said amount till date and therefore, she filed an application before the Joint Commissioner of Labour for giving suitable directions to the 3rd respondent under the Revenue Recovery Act. Accordingly the



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Joint Commissioner of Labour, vide its proceedings bearing No.Na.Ka.No.a4/1255/2021 dated 17.02.2022, requested the 1st respondent, District Collector, Chennai to proceed against the 3rd respondent under the Revenue Recovery Act. The 1st respondent through his proceedings bearing No.Na.Ka.No.G3/5492/2022 dated 14.03.2022 directed the second respondent, Tahsildar, Purasawalkam Taluk, to collect the said amount from the 3rd respondent under the Revenue Recovery Act. However, the 2nd respondent had not initiated any action till date and in this regard the writ petitioner submitted a representation dated 29.06.2022 to the second respondent, but the same has not been considered. Aggrieved over the same, the present Writ Petition is filed.

3. Mr. M.Jaikumar, learned counsel for the writ petitioner contended that though orders were passed by the Joint Commissioner of Labour-I, Chennai-6, on 23.12.2019, till date the 3rd respondent had not paid the compensation and the 1st respondent District Collector though issued proceedings in No.Na.Ka.No.G3/5492/2022 dated 14.03.2022, the 2nd respondent is not taking effective steps to collect the amount from the 3rd respondent. The representation dated 29.06.2022 given by



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the writ petitioner to the 2nd respondent was also not considered.

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4. The 3rd respondent though served with notice and their name is printed in the cause list there is no representation on their behalf.

5. Mr.M. Shahjahan, learned Special Government Pleader appearing for the respondents 1 and 2 contended that the 2nd respondent in his proceedings in Rc.No.A1/1909/2022 dated 19.09.2022 demanded the 3rd respondent to pay a sum of Rs.15,77,403-20 within a period of 15 days and that this notice though was received by the 3rd respondent, they did not come forward to make good the payment.

6. It is seen from the records that the writ petitioner's husband died on 04.09.2011 as he met with an accident during the course of his employment and till date the legal heirs of the deceased Selvam could not get the compensation amount.

7. In the circumstances, the 2nd respondent is directed to consider the representation dated 29.06.2022 submitted by the writ petitioner and proceed to recover the amount due and payable to the writ



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petitioner from the 3rd respondent in accordance with law, after issuing notice to the 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition is disposed of.

No costs.

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bga

Index : yes/no

Speaking /Non speaking Order

To

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R.HEMALATHA, J.

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