



W.P.No.23609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23609 of 2023

V.Ponnukannu

... Petitioner

Vs.

1.The Deputy Commissioner of Labour – II,
Under Workman Compensation Act,
Teynampet,
Chennai – 600 006.

2.The District Collector,
Office of Collectorate,
Kanchipuram,
Kanchipuram District.

3.The Tasildar,
Alandur Taluk Office,
Alandur.

4.P.Kamalakannan, Contractor,
Sree Kamatchi Enterprises,
D.No.9, Abraham Street,
Adampakkam,
Chennai – 600 088.

5.P.Ravichandran, Proprietor,
M/s.Marvel Construction,



W.P.No.23609 of 2023

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Old address at,
D.No.9, Abraham Street,
Adampakkam, Chennai – 600 088.

Present address at,
No.2, Telephone Colony,
2nd Main Raod,
Chennai – 600 088.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to conclude the revenue proceedings and recover the award amount made in WC.No.475 of 2005 from the 5th respondent as expeditiously within a stipulated period fixed by this Court.

For Petitioner : Mr.S.Jaganathan
For Respondent : Mr.M.S.Prem Kumar
Government Advocate [R1 to R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 2 and 3 to conclude the revenue proceedings and recover the award amount made in WC.No.475 of 2005 from the fifth respondent as expeditiously within a stipulated period fixed by this Court.



W.P.No.23609 of 2023

WEB COPY

2. Mr.M.S.Prem Kumar, learned Government Advocate accepts notice for the respondents 1 to 3. In view of the consent expressed by the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3, this petition is taken up for final disposal.

3. Since no adverse order is passed against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

4. The case of the petitioner is that, his son was working with the fourth respondent, who is a contractor and the fourth respondent was assigned a contract by the fifth respondent. While so, on 24.11.2004, his son went to pick up the water in the nearest well. Due to improper maintenance of the electrical parts of the well, he got to electrocuted and died on the spot. Regarding the said tragic incident, a complaint has been lodged, which was registered as a case in Crime No.476 of 2004 on 25.11.2004. However, the respondents 4 and 5 have not paid adequate compensation to the petitioner, thereby, the petitioner filed a case in W.C.No.475 of 2005 on the file of the first respondent and the first



W.P.No.23609 of 2023

WEB COPY

respondent, on 05.11.2009, after conducting detailed enquiry, passed an award directing the fifth respondent to pay a sum of Rs.4,37,226/-. Thereafter, the first respondent issued recovery certificate to the second respondent on 21.09.2019, thereafter, the second respondent has forwarded the same to the third respondent on 11.12.2020 to recover the dues from the defaulters, however, till date, the order of the first respondent was not implemented by the respondents 2 and 3. Therefore, the petitioner made his last representation on 21.11.2022. Since the same was not considered, the petitioner has filed the above writ petition before this Court.

5. Though very many grounds have been raised in the present writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court, issues a direction to the respondents 2 and 3 to conclude the revenue proceedings and recover the award amount made in W.C.No.475 of 2005 from the fifth respondent, within a time frame that may be stipulated by this Court.



W.P.No.23609 of 2023

WEB COPY

6. The learned counsel appearing for the respondents 1 to 3 submits that, the order of the first respondent, dated 21.09.2019 will be implemented by the respondents 2 and 3, if there is no legal impediment, as expeditiously as possible.

7. In view of the above submissions, this Court, without going into the merits of the case, directs the respondents 2 and 3 to implement the order of the first respondent, dated 21.09.2019, if there is no legal impediment, after providing an opportunity of personal hearing to the respondents 4 and 5, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

10.08.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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W.P.No.23609 of 2023

M.DHANDAPANI, J.

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To

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