



W.P.No.22271 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2023

CORAM

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

W.P.No.22271 of 2017

1.M.Kasturi
2.K.S.Mani

... Petitioners

Vs.

1.The District Collector,
Collectorate,
M.Singaravelan Malligai,
No.62, Rajaji Salai,
Chennai - 600 001.

2.The Tahsildar,
Purasawalkam Taluk Office,
Chennai - 600 011.

3.The Deputy Commissioner of Labour - I,
Commissioner for Employees Compensation,
D.M.S.Complex, Chennai - 6.

4.Henry Raj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to take appropriate action against the fourth respondent to recover the remaining compensation amount of Rs.2,52,940/- with interest at the rate of 12% p.a from 27.12.2004 by way of demand draft, for the Award



W.P.No.22271 of 2017

amount of Rs.3,52,940/- passed by the third respondent on 05.11.2008 in W.C.No.59 of 2006 under the provisions of Revenue Recovery Act within the stipulated time.

For Petitioner : Mr.Ravindran
for Mr.A.Shanmugaraj
For RR1 & 2 : Mr.M.Shahjahan, SGP
R4 : No appearance

ORDER

One Chandrasekaran, was a Painter by profession and he was engaged by the fourth respondent. On 27.11.2004, while he was doing painting work on the outside wall of the tenth floor, he fell down and died on the spot. The present writ petitioners are the parents of the deceased Chandrasekaran and they filed a petition in W.C.No.59/2006 before the Deputy Commissioner of Labour - I, Chennai, seeking compensation for the death of their son.

2. The grievance of the writ petitioners is that though the third respondent Deputy Commissioner of Labour - I, Chennai directed the fourth respondent to pay compensation of Rs.3,52,940/- together with interest at the rate of 12% per annum vide her orders dated 05.11.2008, the fourth respondent did not make any payment following which the third



W.P.No.22271 of 2017

respondent sent a communication to the first respondent District Collector, Chennai to recover the amount of Rs.3,52,940/- together with interest at the rate of 12% per annum from the fourth respondent under the Revenue Recovery Act. Till date no action has been initiated by the first respondent District Collector, Chennai.

3. Mr.Ravindran, learned counsel for the writ petitioner would contend that as on date the total amount payable by the fourth respondent is Rs.8,14,430.81/- (out of which a sum of Rs.1,00,000/- has already been paid). Hence, a direction may be given to the respondents 1 & 2 to recover the said amount under the Revenue Recovery Act from the fourth respondent.

4. Per contra, Mr.M.Shahjahan, learned Special Government Pleader for the respondents 1 & 2 contended that the first respondent District Collector, Chennai had directed the second respondent Tahsildar, Purasawalkam Taluk, Chennai to initiate necessary proceedings under the Revenue Recovery Act and that they are in the process of recovering the amount from the fourth respondent.



W.P.No.22271 of 2017

5. Though notice was served on the fourth respondent and his name is printed in the cause list, there is no representation on behalf of the respondent, either in person or through a counsel.

6. In the facts and circumstances, the first respondent is directed to recover the amount of Rs.7,14,430.81/- together with interest at the rate of 12% per annum from the fourth respondent and credit the same to the account of the Joint Commissioner of Labour - I, Chennai within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

05.12.2023

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



W.P.No.22271 of 2017

To

WEB COPY

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R. HEMALATHA, J.



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W.P.No.22271 of 2017

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W.P.No.22271 of 2017

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