



WEB COPY

W.P.No.31812



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.11.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.31812 of 2023
& WMP.No.31428 of 2023

1.D.Backiyam

2.D.Ramaniammal

3.D.Kalaiselvi

... Petitioners

Vs

1. The Collector,
Collectorate,
Rajaji Salai,
Chennai – 600001.

2. The Tahsildar,
Taluk Office,
8, Lake Area, Nungambakkam,
Chennai – 600034.

3. Joint Commissioner for Labour-II,
(The Commissioner for Employee's Compensation-II)
DMS Building, 2nd Floor,
Chennai – 600006.

4. The Director of Fisheries,
Fisheries Department,
Government of Tamilnadu,



DMS Building,
Chennai – 600006.

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... Respondents

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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 under Revenue Recovery Act, against the 4th respondent and recover the award amount Rs.3,71,383/- with 12% Per Annum from 26.01.2005 to till realization of amount by way of demand draft, as ordered on 13.10.2015 in W.C.No.135/2011 by the 3rd respondent within the stipulated time fixed by this Hon'ble Court.

For Petitioners : Mr.A.Shanmugaraj
For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

Mr.U.M.Ravichandran, learned Special Government Pleader accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioners are the widow and two daughters of one Durairaj, who had passed way in the Tsunami on 26.12.2004. At that unfortunate time, he had been engaged in carrying out centring work at a site belonging to R4, who is the Director of Fisheries, Government of Tamil Nadu at Kitchankuppam, Nagapattinam.



3. A claim petition had been filed in W.C.No.135 of 2011 before the Commissioner for Employee's Compensation-II, arrayed as R3, (Joint Commissioner for Labour – II, being the changed designation of that authority).

4. An award had been passed by R3 on 13.10.2015 awarding a sum of Rs.3,71,383/- as against R4, to be deposited by way of Demand Draft within a period of 30 days and in case of default, beyond 30 days, with interest at 12% from date of accident, i.e., 26.12.2004 till date of deposit. That order has attained finality.

5. Since the amount awarded has not been deposited by R4, the petitioner had taken efforts by way of letter dated 09.08.2017 to R3 seeking recovery of the amount under Revenue Recovery Act, 1864 (in short 'Act') and R3 had also sent a show cause notice on 05.09.2017 to R4.

6. The default continues and the petitioner submits that the office of R1 had intimated the petitioner orally that the file was pending with the Tahsildar, who is the appropriate authority for initiating recovery of the amount. Despite subsequent efforts including legal notice, there has been no response and hence this Writ Petition.

7. Learned Special Government Pleader would accede to the position that the facts set out in the Writ Petition are correct and would have no objection to this



Court issuing a direction to R1 and R2 being the District Collector and Tahsildar, Chennai to initiate action under the Act as against R4 for recovery of the award amount.

8. Thus, mandamus is issued to R1 to initiate action under the Act as against R4 and recover the amount of Rs.3,71,383/- with interest at 12% from 26.01.2005, being one month from date of demise, till date of payment and pay over the same to the petitioners, all within a period of twelve (12) weeks from date of receipt of a copy of this order.

9. This Writ Petition stands disposed as above. No costs. Connected Miscellaneous Petition is closed.

07.11.2023

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes

To

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DR.ANITA SUMANTH, J.

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