



W.P.(MD)No.136 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.136 of 2023

Muniyandi

... Petitioner

Vs.

1.The Joint Commissioner of Labour/
Commissioner of Workmen Compensation,
Madurai-625 002.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The District Collector,
Erode District, Erode.

4.The Branch Manager,
Corporation Bank,
Kalidas Road,
Ram Nagar,
Coimbatore-612 001.

5.A.Vincent Raj
6.M.Rajendran

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to take appropriate action on the basis of the communication dated 01.04.2022 sent by the first respondent and to recover the balance compensation amount of Rs.



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2,72,978/- along with simple interest from the respondents 5 and 6 under revenue recovery proceedings and handover the same with the petitioner within the time stipulated by this Court.

For Petitioner : Mr.M.Karuppasamy
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to take appropriate action, on the basis of the communication dated 01.04.2022, sent by the first respondent and to recover the balance compensation amount of Rs.2,72,978/- along with simple interest from the respondents 5 and 6 under revenue recovery proceedings and handover the same to the petitioner within the time stipulated by this Court.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the sixth respondent was working as a building contractor under the fifth respondent. While so, the petitioner's son Saravanan @ Saravana Kumar was employed by the respondents 5 and 6 and on 07.11.2006, he suffered with personal injuries by accident occurred during



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the course of employment. The petitioner's son was treated at Ganga Hospital, Coimbatore from 07.11.2006 to 20.11.2006. Again, he was admitted in Madurai Rajaji Hospital and taken treatment from 29.11.2006. He suffered 100% permanent disability and he is unable to do his work. In this regard, a case in Crime No.2593 of 2003 was registered for the offences under Sections 288 and 337 of I.P.C., and legal notice was also issued to the respondents 4 to 6. Further, the petitioner's son has filed W.C.No.126 of 2007 before the first respondent claiming compensation for the injuries suffered by him during the course of employment. After considering all the materials, the first respondent, by order dated 27.08.2012, has awarded compensation of Rs.5,45,976/- and directed the fourth respondent to pay the compensation and permitted to recover the same from the respondents 5 and 6.

4. Challenging the same, the fourth respondent has filed an appeal in C.M.A.(MD).No.1423 of 2013 before this Court. On 22.06.2015, this Court has allowed the appeal and exonerated the fourth respondent from liability and found that the respondents 5 and 6 alone are liable to pay the compensation. Since the petitioner's son already withdrawn the part amount, the fourth respondent is entitled to withdraw the balance amount from the first respondent. The respondents 5 and 6 are liable to pay the balance amount of Rs.2,72,978/- to his son. The petitioner's son has made a representation dated 28.04.2016, before the first respondent requesting him to recover the balance



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amount from the respondents 5 and 6. In the mean while, the petitioner's son passed away. The first respondent has sent a communication dated 30.11.2018 to the respondents 2 and 3, requesting them to direct the concerned Tahsildar to recover the balance amount of Rs.2,72,978/- from the respondents 5 and 6 under revenue recovery proceedings. Thereafter, there was no action on the communication sent by the first respondent. Hence, the petitioner has made a representation dated 11.01.2020 to the second respondent. Thereafter, the first respondent has sent a reminder communication dated 01.04.2022 to the respondents 2 and 3. However, till date that order was not implemented by the second and third respondents. Hence, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents 2 and 3 to implement the order of the first respondent, dated 01.04.2022, within a stipulated period as fixed by this Court.

6. Heard Mr.M.Karuppasamy, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice for the respondents 1 to 3.



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7. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents 2 and 3 to implement the order of the first respondent dated 01.04.2022, within a period of twelve weeks from the date of receipt of a copy of this order.

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

04.01.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
akv

To

1.The Joint Commissioner of Labour/
Commissioner of Workmen Compensation,
Madurai-625 002.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The District Collector,
Erode District, Erode.



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M.DHANDAPANI, J.

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Order made in
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