



W.P.(MD)No.3827 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3827 of 2023

K.Shanmugam

... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
Tirunelveli.

2.The District Collector
Chennai District,
Chennai.

3.The Thasildhar
Egmore Taluk,
Chennai.



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4.M/s. Empee Sugars and Chemicals Ltd.,

No. 59, Adithanar Road,

Pudupet,

Komaleeswaranpet,

Egmore,

Chennai 2.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 3 to recover the compensation passed in order, dated 22.11.2018 in W.C.No.26 of 2012 on the file of first respondent under Revenue Recovery Act.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr.S.P.Maharajan - for R1 to R3
Special Government Pleader

ORDER

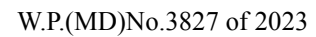
This writ petition has been filed to direct the respondents 1 to 3 to recover the compensation passed in order, dated 22.11.2018 in W.C.No.26 of 2012 on the file of first respondent under Revenue Recovery Act.



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2. The case of the petitioner is that the petitioner is the father of one Mundasamy, who was working under the fourth respondent. The petitioner's son was working in the fourth respondent's concern to load the sugar bags in the lorry on 20.10.2010. Unexpectedly, the sugar bags fell down over the head of said Mundasamy and some other labourers and his son sustained fractures on both hands and admitted in Rosemary Hospital, Tirunelveli and hence, his son Mundasamy was constrained to file W.C. No.26 of 2012 before the first respondent claiming compensation for the injuries sustained in the accident. During the pendency of the above claim, the petitioner's son died on 30.11.2016 due to the injuries sustained by him. After contesting the case, the first respondent passed an award of Rs.4,19,344/- (Rupees Four Lakhs Nineteen Thousand Three Hundred and Forty Four only) as compensation on 22.11.2018 together with interest at the rate of 12% per annum from 20.10.2010. The fourth respondent did not take any steps to pay the compensation as per the order of the first respondent, dated 22.11.2018. Since the fourth respondent did not deposit the compensation amount, the first respondent has sent a letter to the second



3. The learned counsel for the petitioner further submitted that this Court may issue a direction to the second respondent to implement the order, dated 22.11.2018 passed in W.C.No.26 of 2012, on the file of the first respondent under Revenue Recovery Act within a reasonable time as fixed by this Court.

4. Since no adverse order is going to be passed as against the fourth respondent, notice to the fourth respondent is dispensed with.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the limited request made by the learned counsel for the petitioner, this Court directs the second respondent to recover the compensation passed in W.C.No.26 of 2012, dated 22.11.2018 under Revenue Recovery Act, if there is no other legal impediment to do so and after providing opportunity to the fourth respondent within a period of four weeks from the date of receipt of a copy of this order.

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

24.02.2023

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

RM

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M.DHANDAPANI,J.

RM

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