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W.P.No.3840 of 2020 and Cont.P.No.67 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.3840 of 2020
and Cont.P.No.67 of 2024

W.P.No.3840 of 2020

Tmt.Chenganiammal

... Petitioner

Vs.

1.The Deputy Commissioner of Labour – I,
DMS Compound,
Teynampet,
Chennai – 600 006.

2.The Tahsildar,
Mylapore Taluk,
Greenways Road,
Chennai – 600 028.

3.Babu Ganesh

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to take appropriate action under the Revenue Recovery Act and recover the amount from the 3rd respondent as per the order of the 1st respondent dated 12.11.2010 and pay the same to the petitioner.



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For Petitioner : Mr.K.M.Balaji

For R1 & R2 : Mr.P.Sanjay Gandhi
Government Advocate

For R3 : M/s.R.Chitra (Vakalat to be filed)

Cont.P.No.67 of 2024

Tmt.Chenganiammal ... Petitioner

Vs.

1.Rashmi Siddarth Zagade,
The District Collector,
District Collector's Office,
No.62, Rajaji Salai,
Chennai – 600 001.

2.K.Latha,
The Tahsildar,
Mylapore Taluk,
Greenways Road,
Mylapore,
Chennai – 600 028.

... Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Court Act, to punish the respondents herein for the willful disobedience of the orders passed by this Court dated 16.06.2021 made in W.P.No.11943 of 2021 under the relevant provisions of the Contempt of Court Act.

For Petitioner : Mr.K.M.Balaji

For R1 & R2 : Mr.P.Sanjay Gandhi
Government Advocate

* * * * *



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ORDER

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This Writ Petition is filed to direct the second respondent to take appropriate action under the Revenue Recovery Act and recover the amount from the third respondent as per the order of the first respondent dated 12.11.2010 and pay the same to the petitioner.

2.This Contempt Petition is filed to punish the respondents herein for the willful disobedience of the orders passed by this Hon'ble Court dated 16.06.2021 made in W.P.No.11943 of 2021.

3.As both the matters are connected they are taken up together.

4.The petitioner in the writ petition will be referred to as the petitioner and the respondents in the writ petition will be referred to as the respondents.

5.The petitioner is the mother of Late Kamaraj, who died during the course of employment under the third respondent. The petitioner filed a petition before the first respondent, the Deputy Commissioner of Labour-I, DMS Compound, Teynampet, Chennai under Workmens Compensation Act



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for compensation and the first respondent vide order dated 12.11.2015 awarded Rs.4,47,720/- with interest till the payment. The third respondent, employer failed to comply with the order passed by the first respondent and therefore, the petitioner approached the second respondent to initiate proceedings under Revenue Recovery Act. As the second respondent failed to take any action under the Revenue Recovery Act, the petitioner filed a Writ Petition before this Court in W.P.No.29437 of 2016 for a Writ of Mandamus, directing the second respondent to take action against the third respondent under the Revenue Recovery act for recovery of the compensation amount payable to the petitioner as per the order passed in W.C.No.167 of 2007 dated 12.11.2010 passed by the first respondent. This Court vide order dated 15.03.2017 disposed the writ petition with a direction to the second respondent to take appropriate action under the Revenue Recovery Act and to see to it that the amount payable to the petitioner was recovered from the third respondent. The said action was to be taken within a period of eight weeks from the date of receipt of a copy of the order. After the disposal of the above aforesaid writ petition, the second respondent initiated the Revenue Recovery Proceedings against the third respondent by issuing the demand notice bearing No.C2/1412/2019 dated 06.01.2021. The third respondent filed W.P.No.11943 of 2021 challenging the above demand notice bearing



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No.C2/1412/2019 dated 06.01.2021 of the 5th respondent and for a direction not to proceed with the recovery proceedings.

6.This Court vide order dated 16.06.2021 dismissed the writ petition in the following terms

11.In view of the foregoing discussion, as the Petitioner has challenged the consequential proceedings instead of challenging the original order of the Authority under the Workmen Compensation Act, 1923 by means of a Civil Miscellaneous Appeal, this Writ Petition is not maintainable. Hence, this Court is of the view that, the Authority is right in proceeding to recover the compensation amount from the Petitioner.

12.This Court, by an order dated 08.04.2021 in W.P.No.4654 of 2021, has already held that, if revenue recovery proceedings are not initiated by the District Collector and Tahsildar, disciplinary action ought to be taken against them, as the order passed by the Authority under the Workmen Compensation Act, 1923 is a quasi-judicial one and the Tahsildar and the District Collector



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cannot construe the intimation by the Authority for recovering the amount as one of letter of communication, but, it is an order to be complied with and implemented. For better appreciation, relevant portion of the said order is extracted hereunder:

“5.It is made clear that, Charge Memo has to be issued against those responsible for non-implementing/executing the said order passed in W.C.No.29 of 2005. The inaction of the Officials would amount to dereliction of duty, no devotion to work and the like; An enquiry has to be conducted on a day-to-day basis and the erring Officials should be shown the doors. Initiation of departmental proceedings and initiation of contempt are independent of each other. Departmental proceedings are for not discharging duties and the like, and contempt is for wilful and deliberate disobedience of the order of this Court.

6.Government must issue a Circular that, once there is an intimation by the Authorities under the



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Workmen Compensation Act, 1923, Payment of Gratuity Act, 1972 and the like, for recovery of money, the District Collector and the Tahsildar cannot keep that communication in a cold storage. The communication from the Authorities is an order to be obeyed and complied with and it cannot be treated as a mere information or intimation.”

13.The revenue recovery proceedings in the case on hand shall be completed expeditiously, and amount has to be recovered from the Petitioner and paid to the dependents, at the earliest.

14.The Writ Petition stands dismissed with the above observation. No costs. Consequently, connected W.M.P.No.12707 of 2021 is closed.”

7.The third respondent preferred a Writ Appeal in W.A.No.2702 of 2021 and the Writ Appeal was dismissed by the Division Bench of this Court confirming the order passed in W.P.No.11943 of 2021 dated 16.06.2021. As



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the second respondent did not comply with the directions of this Hon'ble Court, the petitioner issued a legal notice on 09.03.2023 to the respondent and even after receiving the legal notice the second respondent did not take any steps. Hence the petitioner was constrained to file the above Contempt Petition for punishing the respondent for wilful disobedience of the orders passed by this Court dated 16.06.2021 made in W.P.No.11943 of 2021.

8.Now both the Contempt Petition as well as the writ petition are posted before this Court. In the Contempt Petition the first respondent i.e. the District Collector filed a Status report stating that there are no movable or immovable properties registered in the name of the third respondent and that the following properties stood in the name of the third respondent's wife.

S. No.	Survey Number	Extent in Ares	Assessment	Patta Details
1	46/2D	26.5	0.49	144. Maragadamani wife of Babu Ganesh
2	46/2E	16.0	0.30	144. Maragadamani wife of Babu Ganesh
3	46/3A1	148.0	2.83	144. Maragadamani wife of



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			Babu Ganesh
4	A Four wheeler bearing Registration No.TN 07 CZ 4750 – Stood in the name of the third respondent's wife Maragadamani		
5	A property at No.1/1, Janaki Avenue, 4th Street, Mylapore, Chennai stood in the name of the third respondent's wife		

9. Therefore, the first respondent submitted that both the movable and immovable properties stood only in the name of the third respondent's wife and no property stood in the name of the third respondent. The third respondent filed an affidavit along with the City Union Bank Statement and it is seen from the Bank Statement that the third respondent is having a balance of Rs.424/- as on 21.03.2024 in the Savings Bank Account No.500101012944945 maintained with City Union Bank Ltd., Navalur Branch. The third respondent has also produced the statement of accounts from the Karnataka Bank Limited in the name of his production house M/s.Balavighnesh Creations. It is seen from the statement of accounts that the third respondent is having a balance of Rs.46.60/- as on 14.03.2024.

10. In the affidavit of the third respondent he has stated that he is not owning any movable or immovable property in the State of Tamil Nadu or anywhere in India. This Court vide order dated 15.03.2024 directed the third respondent to be present before this Court today, but the third respondent is not present.



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WEB COPY 11. From the above facts, it is clear that the third respondent has no movable or immovable properties in his name. Hence under the circumstances the first respondent is directed to initiate proceedings under Section 48 of the Revenue Recovery Act forthwith.

12. With the above direction, the writ petition stands allowed. Post the Contempt Petition for reporting compliance on 02.04.2024. However, there shall be no order as to costs.

25.03.2024

Index : Yes / No
Internet : Yes / No
Speaking order/Non-speaking order
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To

1. The Deputy Commissioner of Labour – I,
DMS Compound,
Teynampet,



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Chennai – 600 006.

2. The Tahsildar,
Mylapore Taluk,
Greenways Road,
Chennai – 600 028.

N.MALA, J.
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