



WEB COPY



W.P.No.7671 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

W.P.No.7671 of 2024

M.Shanmugavalli

...Petitioner

-Vs-

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Joint Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Coimbatore-18.
Coimbatore District.

3.Mr.S.Karthikeyan
4.Sree Balaji Agro Bio Tech,
Door No.722, PK Pudhur
Kuniyamuthur
Coimbatore-641 028.

5. Mr.Sedhumadhavan

6.Mrs.Subashini

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a writ of Mandamus, directing the 1st and 2nd respondents to recovery of compensation amount sum of Rs.7,93,640/- with 12% interest from the 3rd to 6th respondents as per the award in E.C.No.98 of 2013 dated 17.08.2017.



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For Petitioner

: M/s.K.Viji

For Respondents 1 &2

: Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition is filed seeking issuance of a writ of mandamus directing the 1st and 2nd respondents to recover the compensation amount of Rs.7,93,240/- along with the interest at the rate of 12% per annum from the respondents 3 to 6 as per the award in E.C.No.98 of 2013 dated 17.08.2017.

2. The petitioner's husband by name Muthazhagu was working as a civil labourer with the 3rd respondent who was in-turn having contractual relationship with the 4th respondent and were taking up work at the 4th respondent institution. Her husband used to draw monthly salary of Rs.12,000/- from the 3rd respondent. When the petitioner's husband was involved in a construction activity, on 14.6.2023 at about 11.15am, the sun shade portion of the house collapsed and fell over the petitioner's husband who was working there. On account of which, the petitioner's husband died on the spot thereafter, a complaint was lodged based on which, an FIR was registered.



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3. Since the accident has taken place during the course of employment, the petitioner had filed a case before the Joint Commissioner of Labour under Workmen's Compensation Act, Coimbatore. This case was taken up by the Joint Commissioner of Labour as E.C.No.98 of 2013 and the enquiry was taken up, evidence was recorded and finally, the said petition was allowed by way of order dated 17.08.2017 directing the respondents 4 to 6 to pay the compensation of Rs.7,88,240/- and also directed to pay Rs.5000/- towards funeral expenses. The said compensation to be paid within a period of one month with interest at the rate of 12%. However, the respondents 4 to 6 have not obeyed the said order.

4. The petitioner has sent a representation to the District Collector, Coimbatore on 02.01.2023 and based on such representation, the 1st respondent has issued a direction in Na.Ka.No.E557819/2023/E3 dated 30.01.2023 delegating his power of collecting said amount as a land revenue as per the Revenue Recovery Act from the respondents 3 to 6.



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5. Even after the passing of orders dated 30.01.2023, there was no response from the Joint Labour Commissioner, Coimbatore. The Joint Commissioner of Labour, Coimbatore has passed orders on 17.08.2017 but till date, the respondents 1 and 2 did not take any action to recover the said amount from the respondents 3 to 6 thereby, sought for directions to the 1st and 2nd respondents to recover the said amount under Revenue Recovery Act.

6. The learned Additional Government Pleader representing the respondents 1 and 2 appeared and submitted that if sufficient time is granted and the petition will be considered on merits. Since the writ petition is filed seeking issuance of a writ of mandamus directing the respondents 1 and 2 to recover the amount from the respondents 3 to 6, no notice is required from the respondents 3 to 6.

7. Considering the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2 and on perusal of the records, this writ petition is disposed of by directing the respondents 1 and 2 to initiate the proceedings to recover the compensation



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amount of Rs.7,93,240/- with interest at the rate of 12% per annum from the respondents 3 to 6 as per the award in E.C.No.98 of 2013 dated 17.08.2017 as expeditiously as possible not later than six weeks from the date of receipt of a copy of this order. No costs.

01.07.2024

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Index: Yes/No
Internet: Yes/No
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To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Joint Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
Coimbatore-18.
Coimbatore District.



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Dr.D. NAGARJUN,J.,

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