



WEB COPY



W.P.No.8819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HON'BLE DR.JUSTICE **D.NAGARJUN**

W.P.No.8819 of 2024

Shalini

... Petitioner

Vs.

1 The District Collector,
No.62, Rajaji Salai,
Chennai - 600 001.

2. The Tahsildar,
Tahsildar Office,
Velacherry,
Chennai - 600 113.

3. The Joint Commissioner - I,
Teynampet,
Chennai - 600 006.

4. A.K.Security and Detective Bureau
Rep by its authorized signatory

5. Lokaa Developer Pvt.Ltd,
Rep by its Proprietor

... Respondents



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Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to recover the claim amount of Rs.4,89,200/- with 12% interest from the date of accident from the 4 and 5th respondents as per the order passed by the Joint Commissioner of Labour No.1, Chennai in E.C.No.81 of 2019 dated 01.07.2022 by considering the petitioner's representation dated 14.02.2024.

For Petitioner : Mr.D.Magesh

For R1 to R3 : Mr.R.V.Dineshraj Kumar
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner. The learned Additional Government Pleader accepts notice for respondents 1 to 3. In view of the nature of direction this Court proposes to issue, notice to respondents 4 and 5 is dispensed with.

2. This Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to recover the claim amount of



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Rs.4,89,200/- with 12% interest from the date of accident from the 4 and 5th respondents as per the order passed by the Joint Commissioner of Labour No.1, Chennai in E.C.No.81 of 2019 dated 01.07.2022 by considering the petitioner's representation dated 14.02.2024.

3. The petitioner is the daughter of one late Mr.Mani, who was working in respondents 4 and 5 Company. On 28.7.2019, when the said Mr.Mani was working in the construction work site, he had fallen down in a 15 feet depth of pit and sustained severe injuries all over his body. He was admitted in Government Stanley Hospital and died on 06.8.2019. On the complaint given by the elder sister of the petitioner, a case has been registered against respondents 4 and 5 by the Inspector of Police, Madhavaram Police Station in Crime No.463 of 2019.

4. The petitioner, along with her elder sister, filed a claim petition in E.C.No.81 of 2019 on the file of the Joint Commissioner of Labour No.1, Chennai herein - 3rd respondent under Section 22 of the Employees' Compensation Act, 1923 and the said petition was allowed on 01.7.2022 directing the 5th respondent to deposit a sum of Rs.4,89,200/- together with



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interest at 12% in favour of Joint Commissioner of Labour-1, Chennai within 30 days and after deposit of the said sum, the fourth respondent was directed to compensate the same to the fifth respondent. But, 4th respondent has not complied with the order till date. On 24.1.2023, the petitioner submitted a letter to the third respondent in respect of non payment of compensation as awarded in E.C.No.81 of 2019 and on 03.4.2023, the third respondent issued a show cause notice to the fifth respondent. Thereafter, the third respondent sent a letter to the first respondent to recover the said sum from the fifth respondent under the Tamil Nadu Revenue Recovery (Amendment) Act, 1981 (for short, the Act). However, no amount has been paid by the fifth respondent so far. Thereafter, the petitioner has filed this writ petition seeking for a direction to recover awarded amount.

5. Learned Additional Government Pleader, accepting notice on behalf of respondents 1 to 3, submitted that the direction of the third respondent dated 01.7.2022 will be complied with in respect of recovery of money by following the procedure contemplated under the said Act. Same is recorded.



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6. The third respondent has directed the fifth respondent as per letter dated 03.4.2023 to deposit of the awarded sum within 15 days, and also mentioned that in default, recovery would be initiated by directing the first respondent to recover the said sum as per Section 5 of the Revenue Recovery Act r/w Section 31 of the Employee's Compensation Act 1923.

Section 31 of the Employee's Compensation Act, 1923 reads as follows :

"Recovery.- The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890 (1 of 1890)."

Section 5 of the Revenue Recovery Act reads as follows :

"Whenever revenue may be in arrear, it shall be lawful for the Collector, or other officer empowered by the Collector in that behalf, to proceed to recover the arrear, together with



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penalty and costs of process, by the sale of the defaulter's movable and immovable property or by execution against the person of the defaulter in manner hereinafter provided."

7. The District Collector, who is the first respondent and the Tahsildar, who is the second respondent, are under obligation to recover the dues from the fifth respondent.

8. Considering the above, this writ petition is disposed of directing respondents 1 and 2 to initiate recovery proceedings pursuant to the award dated 01.7.2022 in E.C.No.81 of 2019 passed by the third respondent, as per relevant Provisions of Revenue Recovery Act, 1981. Respondents 1 and 2 are directed to complete process as quickly as possible and not later than within twelve weeks from the date of receipt of a copy of this order. No costs.

02.04.2024

Index : Yes/No
Neutral Citation : Yes/No
adl

To



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