



W.P.No.20172 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.20172 of 2024

S.Arunagiri

...Petitioner

Vs.

1. The District Collector,
Chennai District,
Chennai – 600 001.
2. The Joint Commissioner of Labour -2,
2nd Floor, D.M.S.Complex,
Chennai – 600 006.
3. The Tahsildar,
Alandur Taluk,
Chennai – 600 016.
4. The Tahsildar,
Sholinganallur Taluk,
Chennai – 600 119.
5. M/s. Ram Engineers & Contractors,
Rep. By its Proprietor/Director,
P.Sethuraman

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first and fourth respondents to recover Rs.4,07,500/- along with appropriate interest rate under Section 5 of the Revenue Recovery Act from the fifth respondent herein and to credit the same with the second respondent based on the petitioner's representation dated 09.02.2024.

For petitioner : Mr.C.Prabhu
For R1 to R4 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition is filed seeking for a direction to the first and fourth respondents to recover Rs.4,07,500/- along with appropriate interest rate under Section 5 of the Revenue Recovery Act from the fifth respondent herein and to credit the same with the second respondent based on the petitioner's representation dated 09.02.2024.



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2. It is submitted by the learned counsel for the petitioner that the petitioner was working as a Mechanic in the fifth respondents proprietorship company and the said company failed to pay regular salary continuously and committed default in payment of PF, gratuity for months together. The petitioner preferred a complaint before the Joint Commissioner of Labour, Chennai/second respondent under the Payment of Wages Act and by an order dated 17.09.2018, the Joint Commissioner of Labour, Chennai directed the fifth respondent to pay Rs.4,07,500/- to the petitioner within a period of 30 days of the receipt of the order.

3. As the fifth respondent has not paid the amount as directed by the Joint Commissioner of Labour, Chennai, the District Collector/first respondent *vide* proceedings No.G2/22256/2019 dated 21.08.2019 authorised the Tahsildar, Alandur/third respondent to invoke the provisions of Revenue Recovery Act, 1864 to recover the dues from the fifth respondent to be paid to the petitioner.

4. On receipt of the letter from the District Collector/first respondent the Tahsildar, Alandur/third respondent has forwarded the said



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proceedings to the Tahsildar, Sholinganallur/fourth respondent as he has only got jurisdiction to recover the said amount from the fifth respondent.

5. It is submitted by the learned counsel for the petitioner that in spite of making several representations to the respondents no action was taken. Aggrieved by the same, the present writ petition is filed.

6. Since this writ petition is filed for a direction to the first and fourth respondents to recover Rs.4,07,500/- along with appropriate interest rate under Section 5 of the Revenue Recovery Act from the fifth respondent herein and to credit the same with the second respondent based on the petitioner's representation dated 09.02.2024, notice to the fifth respondent is dispensed with.

7. Heard both sides and perused the materials available on record.

8. As per the proceedings of the second respondent, the fifth respondent, has to pay an amount of Rs.4,07,500/- to the petitioner since the said amount was not paid. The first respondent has issued proceedings to the Tahsildar, Alandur/third respondent to recovery the said amount from



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the fifth respondent under the Revenue Recovery Act, 1864. The Tahsildar, Alandur/third respondent return forward the letter to the Tahsildar, Sholinganallur/fourth respondent who has got jurisdiction. Once proceeding have been issued by the District Collector/first respondent to the Tahsildar, Sholinganallur/fourth respondent should have initiated proceeding under the Revenue Recovery Act to recover the amount from the fifth respondent. No reason is explained as to why delay has been occurred.

9. The learned Additional Government Pleader appearing for the first to fourth respondents submitted that in case, if sufficient time is granted, the Tahsildar, Sholinganallur/fourth respondent will execute the directions of the District Collector/first respondent and recover the amount from the fifth respondent.

10. In view of the submissions made above, this writ petition is allowed directing the first and fourth respondents to recover Rs.4,07,500/- along with appropriate interest rate under Section 5 of the Revenue Recovery Act as expeditiously as possible not later than eight weeks from the date of receipt of a copy of this order. No costs.



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Internet : Yes/No
Citation : Yes/No
Index : Yes/No

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Dr.D.NAGARJUN,J.

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