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W.P.No.24103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.24103 of 2024

A.Muthu

... Petitioner

Vs.

1.The District Collector,
Chennai District,
4th Floor, Rajaji Salai,
62, Beach Road,
George Town,
Chennai – 600 001.

2.M/s.MAGMA HDI General Insurance Company Ltd.,
Zonal Office,
Door No.25, Grace Building,
1st Floor, 3 MC Nicholas Road,
Chetpet, Chennai – 600 031.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to initiate appropriate action against the 2nd respondent herein invoking the power u/s 174 Motor Vehicles Act and recover the award amount with accrued interest due to petitioner as arrears of land revenue, in compliance with the Recovery Certificate dated 15.09.2023 made in I.A.No.4 of 2023 in M.C.O.P.No.2129 of 2018 on the file of Special Sub-ordinate Judge cum Motor Accident Claims Tribunal, Coimbatore.



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For Petitioner : Mr.P.M.Duraiswamy

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader [R1]
Notice dispensed with [R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the 1st respondent to initiate appropriate action against the 2nd respondent herein invoking the power u/s 174 Motor Vehicles Act and recover the award amount with accrued interest due to petitioner as arrears of land revenue, in compliance with the Recovery Certificate dated 15.09.2023 made in I.A.No.4 of 2023 in M.C.O.P.No.2129 of 2018 on the file of Special Sub-ordinate Judge cum Motor Accident Claims Tribunal, Coimbatore.

2. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, accepts notice on behalf of the 1st respondent. With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. Since no adverse order has been passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. The case of the petitioner is that, he met with an accident on 24.02.2018 and sustained grievous injuries, thereby he filed a claim petition in M.C.O.P.No.2129 of 2018 on the file of the learned Special Subordinate Judge-cum-Motor Accident Claims Tribunal, Coimbatore seeking compensation. After adjudication, the Tribunal, vide judgment, dated 20.07.2022 directed the 2nd respondent/insurance company to pay a sum of Rs.32,96,677/- as compensation along with interest 7.5% p.a. However, the 2nd respondent has not deposited the said award amount. Therefore, the petitioner has filed an application invoking Section 174 of Motor Vehicles Act in I.A.No.4 of 2023 in M.C.O.P.No.2129 of 2018 to recover the award amount from the 2nd respondent/insurance company and the said application was allowed vide order dated 15.09.2023. Even thereafter, the award amount was not disbursed to the petitioner. Hence, the petitioner has filed the present writ petition before this court for appropriate orders.



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5. Though very many grounds have been raised in the writ petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 1st respondent to initiate appropriate action against the 2nd respondent herein invoking the power u/s 174 Motor Vehicles Act and recover the award amount with accrued interest due to petitioner as arrears of land revenue, in compliance with the Recovery Certificate dated 15.09.2023 made in I.A.No.4 of 2023 in M.C.O.P.No.2129 of 2018 on the file of Special Sub-ordinate Judge cum Motor Accident Claims Tribunal, Coimbatore, within a time frame that may be stipulated by this court.

6. Learned Additional Government Pleader appearing for the 1st respondent submitted that the award amount passed by the Tribunal will be recovered from the 2nd respondent/insurance and disbursed to the petitioner/claimant, as expeditiously as possible.

7. Since the petitioner claims that, as against the award passed by the Tribunal and the order passed in I.A., no appeal has been preferred by the 2nd respondent/insurance company, there is no legal impediment for



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the 1st respondent to recover the award amount from the 2nd respondent as per the order passed by the Tribunal. Hence, this court, directs the 1st respondent to recover the award amount from the 2nd respondent and disburse the same to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order, if there is no legal impediment.

8. With the above directions, this Writ Petition is disposed of. No costs.

23.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

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M.DHANDAPANI, J.

sp

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