



WEB COPY

W.P.No.27267 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27267 of 2024

Dhanalakshmi

...

Petitioner

versus

1.The District Collector,
Dharmapuri District, Dharmapuri.

2.The Tahsildar,
Harur, Dharmapuri District.

3.The Branch Manager,
The New India Assurance Co. Ltd.,
Salem Main Road,
Dharmapuri.

4.The Commissioner of Employees Compensation /
Joint Commissioner of Labour,
Salem.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take immediate and effective steps under the Revenue Recovery Act to recover the sum of Rs.8,23,800/- along with 12% interest from the third respondent.



For Petitioner : Mr.J.Pradeep
For Respondent Nos.1, 2 & 4 : M/s.M.Jayanthy
Additional Government Pleader
For Respondent No.3 : No Appearance

ORDER

The Writ Petition has been filed to direct the respondents 1 and 2 to take immediate and effective steps under the Revenue Recovery Act to recover the sum of Rs.8,23,800/- along with 12% interest from the third respondent.

2. Heard Mr.J.Pradeep, learned counsel for the petitioner and M/s.M.Jayanthy, learned Additional Government Pleader for the respondents 1, 2 & 4 and perused the materials available on record.

3. The petitioner is the legal heir of the deceased Senthil, who was employed as a driver and died in the course of his employment on 13.11.2015. The petitioner filed a petition in W.C.No.136 of 2017 before the Deputy Commissioner of Labour, Salem and after hearing both sides, the authority was pleased to pass an order by awarding a compensation of Rs.8,23,800/- along with interest @12% from the date of the accident.



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4. The first respondent is the Recovery Officer, who has a bounden duty to recover the above amount under the Revenue Recovery Act, has not taken any steps for recovering the award amount. Since the compensation claim was made in the year 2017 and it got awarded in the year 2022 itself, the inaction on the part of the first respondent would deprive the petitioner from enjoying the fruits of the award. Since the representation of the petitioner was also not considered, I feel it is appropriate to issue suitable direction to the first respondent.

5. In view of the above stated reasons, this Writ Petition is **allowed**, by directing the first respondent to consider the representation of the petitioner dated 12.12.2022 and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs.

19.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

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To

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R.N.MANJULA, J.

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