



W.P.(MD) Nos.5788 and 5669 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)Nos.5788 and 5669 of 2021

1.G.Kalliammal
2.N.Sundaram
3.K.Jeya
4.Jeyapal
5.P.Kilprasath Sharma
6.Prem Bhagathur

... Petitioners in
W.P.(MD)No.5788/2021

1.P.Rajasekar
2.P.Asaithambi
3.S.Venkatraman
4.K.Somasundaram
5.M.Ramachandiran

... Petitioners in
W.P.(MD)No.5669/2021

Vs.

1.The District Collector
District Collector Office
Thirupur District, Thirupur.

2.The Deputy Labour Commissioner cum
The Gratuity Controller,
Labour Commissioner Office,
Dindigul.



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3.The Managing Director
Tirupur Suriya Textiles Private Limited,
Kalvarpatty, Vedasanthur Taluk,
Dindigul District.

4.G.Ravikumar

4.The Thasildhar,
Tirupur (South),
Tirupur.
(R5 suo-motu impleaded by this court,
vide order dated 08.03.2024)

... Respondents in
both W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to recover Rs.3,32,187/- and Rs.12,10,385/- respectively with interest at 15% of interest from 11.01.2018 under Section 5 of Revenue Recovery Act from the 3rd respondent herein through its liquidator 4th respondent herein and to credit the same with the 2nd respondent in light of Na.Ka.No.A6/900/2020 and Na.Ka.No.A6/962/2020, dated 07.09.2020 based on the petitioners' representation dated 16.02.2021.

For Petitioners : Ms.A.Arul Jenifer
(In both W.Ps)

For Respondents : Mr.D.Sasikumar
(In both W.Ps) Additional Government Pleader for R1 & R2
Mr.G.Mohankumar for R4



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COMMON ORDER

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The petitioners herein, who are the members of Tamilnadu Textiles and Common Labour Union (TTUC), approached this Court, seeking Writ of Mandamus, to direct the first respondent to recover an amount of Rs.3,32,187/- and Rs.12,10,385/- respectively with interest at 15% p.a., from 11.01.2018, under Section 5 of Revenue Recovery Act, from the third respondent herein through its liquidator 4th respondent herein, and to credit the same to the second respondent by considering the representation of the petitioners dated 16.02.2021.

2. It is the case of the petitioners that the third respondent herein failed to pay the Gratuity amount, that is payable to the Members of the Petitioners' Association and therefore, they approached the second respondent herein by making claim under the provision of Payment of Gratuity Act, 1972 and accordingly, the second respondent herein passed orders ordering payment of gratuity amount to the Members of the Petitioners' Association. However, the third respondent failed to remit the said amounts and



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consequently, the second respondent herein had passed an order in proceedings ந.க.எண். ஆ6/900/2020 and ந.க.எண். ஆ6/962/2020 dated 07.09.2020, ordering for recovery of the said amount under the provisions of Revenue Recovery Act and requiring the first respondent to recover the said amount and to remit the same to the second respondent. As the first respondent herein has not taken any action, pursuant to the said order dated 07.09.2020, the petitioners claim to have submitted their representation dated 16.02.2021, requesting for implementation of said order dated 07.09.2020. Complaining inaction on the part of the first respondent, the petitioners approached this Court by filing the present Writ Petition.

3. The first respondent has not filed any counter affidavit. However, when the matter is taken up for consideration, it is brought to the notice of this Court by the learned Additional Government Pleader that pursuant to the order dated 07.09.2020 passed by the second respondent, the first respondent has already initiated steps for recovery of the amounts under the Revenue Recovery Act, by duly directing the fifth respondent – Tahsildar, Tirupur (South) for recovery of amounts due and the said Tahsildar through



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proceedings in ந.க.2679/2020/அ3, dated 11.01.2021, already issued notice of attachment under Section 27 of the Revenue Recovery Act. Thus, it appears that the first respondent has already initiated steps for enforcing the order dated 07.09.2020 and the matter is now pending with the Tahsildar, Tirupur (South).

4. On the other hand, it is also brought to the notice of this Court that the third respondent is subjected to liquidation proceedings before the National Company Law Tribunal and the liquidator is already appointed for liquidating of said Company. According to the learned counsel for the petitioners, the third respondent Company was already sold by the creditor Bank and the surplus sale proceeds are lying with the erstwhile Management and the said amounts can be recovered from the first respondent by implementing the order dated 07.09.2020.

5. Be that as it may, once an order is passed by the second respondent requiring the first respondent to recover the due amount by initiating the proceedings under the Revenue Recovery Act, it is for the first



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respondent to take all necessary steps for complying with the said requirement. As already noted above, the first respondent has already initiated proceedings under Revenue Recovery Act and an order of attachment under Section 27 of the Revenue Recovery Act, was effected, this Court is of the considered view that it would be appropriate to dispose of the Writ Petitions, directing the first respondent to conclude the proceedings that were already initiated as above.

6. Considering the fact that the recovery proceedings under the Revenue Recovery Act is pending as on date with the Tahsildar, Tirupur (South), Tirupur, the said Tahsildar is *suo-motu* impleaded as fifth respondent.

7. Accordingly, these Writ Petitions are disposed of, directing the respondents 1 and 5, to take immediate steps for concluding the proceedings that were already initiated through proceedings in ந.க.எண்.11665/2020, dated 11.09.2020 and conclude the said proceedings as expeditiously as possible at any rate within a period of four months from the date of receipt of a copy of



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this order and intimate the result to the petitioners. There shall be no order as to costs.

08.03.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

vsm

To

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Thirupur District, Thirupur.
- 2.The Deputy Labour Commissioner,
Cum, the Gratuity Controller,
Labour Commissioner Office, Dindigul.
- 3.The Managing Director
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Kalvarpatty, Vedasanthur Taluk, Dindigul District.
- 4.The Tahsildar,
Tirupur (South), Tirupur.



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