



W.P(MD)No.8602 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8602 of 2024

and

W.M.P.(MD)No.7879 of 2024

Kadal Construction
Rep. by Managing Director,
Panneer Selvam,
S/o.Periya Gounder,
Door No.118A, Near Mariamman Kovil Street,
Periyachettipalayam Road,
Chettipalayam, Erode.

... Petitioner

Vs.

- 1.The Secretary,
District Legal Service Authority,
Virudhunagar District, Srivilliputhur,
Virudhunagar District.
- 2.The Joint Commissioner of Labour,
Joint Commissioner of Labour Office,
Madurai.
- 3.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.45/2023)

4.Minor Swatha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to



W.P(MD)No.8602 of 2024

transfer the deposited compensation amount towards the death of Raviselvam to the case pending before the 2nd respondent in E.C.No. 11/2024 on the basis of petitioner's representation dated 25.03.2024.

For Petitioner : Mr.G.Mariappan

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 & R2

: Mr.A.Albert James
Government Advocate (Crl.side) for R3

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for R1 & R2 and the learned Government Advocate for the third respondent. Issuance of notice to the private respondent is dispensed with.

2. The petitioner had deposited the petition mentioned amount to the credit of the first respondent. The need to make such deposit arose on account of the condition stipulated by Sessions Court when the petitioner applied for anticipatory bail. The claimants have now approached the second respondent for award of compensation. All that the petitioner wants is transfer of the deposit amount from the first respondent to the credit of the second respondent. No exception can be taken to the said request.



W.P(MD)No.8602 of 2024

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3. The first respondent cannot take the stand that they can appropriate the amount made by the petitioner and disburse the same in the manner known to law. This is because, deposit was made with a specific object in view. It was to compensate the dependents of the victims. The claimants have now moved the second respondent. The second respondent is holding enquiry. Ultimately, the amount will have to be disbursed as per the order to be passed by the second respondent. Therefore, it is not for the exclusive appropriation of the first respondent authority.

4. Therefore, the petition mentioned deposit amount shall be transferred to the credit of E.C.No.11 of 2024 on the file of the second respondent. This shall be done as expeditiously as possible. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

Index : Yes / No
Internet : Yes/ No
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To

1.The Secretary,
District Legal Service Authority,
Virudhunagar District, Srivilliputhur,
Virudhunagar District.



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W.P(MD)No.8602 of 2024

G.R.SWAMINATHAN, J.

rmi

2.The Joint Commissioner of Labour,
Joint Commissioner of Labour Office,
Madurai.

3.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

W.P(MD)No.8602 of 2024

05.04.2024