



W.P.(MD)No.11576 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11576 of 2024

T.Kannan

... Petitioner

vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Melur.

3.Palanikumar

... 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 recover the sum of Rs.15,64,850/- with interest at the rate of 12% per annum with effect from 24.04.2021 up to the date of recovery from the third respondent as per the award passed by the Employees Compensation Court, Madurai in E.C.A.No.74 of 2021 dated 10.11.2022 based on petitioner's representation dated 22.09.2023.

For Petitioner : Mr.M.Jegadeesha Pandian



W.P.(MD)No.11576 of 2024

For Respondents : Mr.N.Ramesh Arumugam,
Government Advocate
for R1 and R2

ORDER

The petitioner's wife who worked as a Temporary Employee under the third respondent Factory had passed away due to fire accident in the Factory. Subsequently, the petitioner along with his two children have filed a case before the Employees Compensation Court, Madurai in E.C.A.No.74 of 2021 and the said Court, vide order dated 10.11.2022, held that the first respondent therein (third respondent herein) is liable to pay a sum of Rs.15,64,850/- to the petitioners and directed the first respondent therein to deposit the said amount together with interest at the rate of 12% per annum through Demand Draft in favour of the Joint Commissioner of Labour, Madurai. Till date, the third respondent herein has not deposited the said amount. Hence, the petitioner made representation to the Employees Compensation Court, Madurai on 13.03.2023 seeking to recover the said amount. In pursuance thereof, the Joint Commissioner, Employees Compensation Court, Madurai has sent a communication to the first respondent herein on 06.04.2023 to recover the



W.P.(MD)No.11576 of 2024

award amount from the third respondent herein. However, the first respondent did not recover the amount. Hence, the petitioner sent a representation to the respondents 1 and 2 on 22.09.2023. Since the representation was not considered, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on their own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the first respondent is required to be given with a direction to consider the representation of the petitioner within a specified time frame.



W.P.(MD)No.11576 of 2024

WEB COPY

3. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 22.09.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the first respondent to consider the same on its own merits.

4. With the above direction, the Writ Petition stands **disposed**
of. No costs.

04.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



W.P.(MD)No.11576 of 2024

WEB COPY

To

- 1.The Director,
Animal Husbandry and Veterinary Service,
Tenkasi - District.
- 2.The Principal Secretary,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai - 09.



WEB COPY



W.P.(MD)No.11576 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.11576 of 2024

04.06.2024