



W.P.(MD)No.3727 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.3727 of 2018
and
W.M.P.(MD)No.3876 of 2018

R.Ganesan

... Petitioner

versus

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar (Revenue),
Sivakasi Town,
Virudhunagar District.

3. M.Angusamy

4. Saravanan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the 2nd respondent in Na.Ka.No.A1/15148/2016 dated 06.02.2018 to



W.P.(MD)No.3727 of 2018

confiscate the petitioner's property in T.S.No.39/2B, Ward No.C, Block No.16, Sivakasi Town, Virudhunagar District.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1 and R2 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner has filed this writ petition as against the order dated 06.02.2018 passed by the second respondent/Tahsildar (Revenue), Sivakasi Town, Virudhunagar District, invoking the revenue recovery proceedings as against the petitioner for the recovery of the balance amount pursuant to the award passed by the Commissioner for Workmen's Compensation Court, Madurai, in W.C.No.116 of 2010.

2. The learned counsel appearing for the petitioner submits that the third respondent's son, who was employed in the petitioner's house at the time of construction, died due to electrocution on 22.09.2009, for which, the third respondent has raised a claim before the Commissioner



W.P.(MD)No.3727 of 2018

for Workmen Compensation Court, Madurai in W.C.No.116 of 2010

and the Commissioner has passed an award of Rs.4,29,640/- as compensation to the 3rd respondent. The petitioner has paid a sum of Rs.3,00,000/- on 22.02.2022. The petitioner also claims that he has also paid a sum of Rs.1,00,000/- by way of a cheque at the time of accident and therefore, the learned counsel claims that out of compensation of Rs.4,29,640/-, the petitioner has already paid a sum of Rs.4,00,000/- to the 3rd respondent and without considering the payment made by the petitioner, the second respondent has initiated revenue recovery proceedings as against the petitioner.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that the petitioner has paid the amount of Rs.3,00,000/- by way of a demand draft on 22.02.2022 after the directions given by this Court in this writ petition. But, there is no material for the payment of Rs.1,00,000/- by the petitioner at the time of accident.



W.P.(MD)No.3727 of 2018

WEB COPY

4. This Court considered the rival submissions made.

5. On the application filed by the 3rd respondent, the Commissioner for Workmen's Compensation Court, Madurai, has passed an award in W.C.No.116 of 2010 on 18.05.2015 fixing liability on the petitioner as Rs.4,29,640/-. The petitioner has not paid that amount. Therefore, the 3rd respondent has filed a writ petition in W.P. (MD)No.7061 of 2017 for implementation of the orders of the Commissioner for Workmen's Compensation Court, Madurai, and therefore, on the direction of this Court, the second respondent has initiated revenue recovery proceedings against the petitioner.

6. The petitioner claims that he has paid a sum of Rs.1,00,000/- at the time of accident and thereafter, another sum of Rs.3,00,000/- by way of a Demand Draft on 22.02.2022. But, the respondents 1 and 2 are not accepting the sum of Rs.1,00,000/- paid by him at the time of accident on the ground that there is no valid document for the same.



W.P.(MD)No.3727 of 2018

The petitioner claims that this payment has been made by way of a cheque.

7. Therefore, the petitioner shall produce the relevant documents before the respondents 1 and 2, within a period of four weeks from the date of receipt of a copy of this order. The respondents 1 and 2 shall ascertain the same as to whether the petitioner has paid any payment through a cheque to the 3rd respondent at the time accident, based on the materials placed by the petitioner and thereafter, recover the balance amount from the petitioner. The petitioner is also directed to pay the balance amount, within a period of twelve weeks from thereon.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.03.2024

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



WEB COPY

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar (Revenue),
Sivakasi Town,
Virudhunagar District.



W.P.(MD)No.3727 of 2018

B.PUGALENDHI, J.

ogy

W.P.(MD)No.3727 of 2018

04.03.2024