



W.P.(MD) No.19938 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.19938 of 2020

Thivya Rakini

... Petitioner

Vs.

- 1.The District Collector
District Collector Office
Thirupur District, Thirupur.
- 2.The Deputy Labour Commissioner,
Cum, the Gratuity Controller,
Labour Commissioner Office,
Dindigul.
- 3.The Managing Director
Tirupur Suriya Textiles Private Limited,
Kalvarpatty, Vedasanthur Taluk,
Dindigul District.
- 4.The Thasildhar,
Tirupur (South),
Tirupur.
(R4 suo-motu impleaded by this court,
vide order dated 27.02.2024)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to recover Rs.24 45 404/- with interest at 15% p.a., from 11.01.2018 under Section 5 of Revenue Recovery Act from the 3rd respondent herein and to credit the same with the 1st respondent based on the petitioner's representation dated 09.12.2020.

For Petitioner : Ms.Arul Jenifer

For Respondents : Mr.D.Sasikumar
Additional Government Pleader for R1 & R2

ORDER

The petitioner herein who is a President 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.24,45,404/- with interest at 15% p.a., from 11.01.2018, under Section 5 of Revenue Recovery Act, from the third respondent herein, and to credit the same to the second respondent by considering the representation dated 09.12.2020.

2. It is the case of the petitioner that the third respondent herein failed to pay the Gratuity amount, that is payable to the Members of the



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Petitioner's 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 awarding gratuity amount to the Members of the Petitioner Association. However, the third respondent failed to remit the said amounts and consequently, the second respondent herein had passed an order in proceedings ந.க.எண். ஆ6/894/2020, dated 24.07.2020, ordering for recovery of the said amount under the provisions of Revenue Recovery Act 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 24.07.2020, the petitioner claims to have submitted his representation dated 09.12.2020, requesting for implementation of said order dated 24.07.2020. Complaining inaction on the part of the first respondent, the petitioner approached this Court by filing the present Writ Petition.

3. The first respondent has not filed any counter. 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



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order dated 24.07.2020 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 fourth respondent – Tahsildar, Tirupur (South) for recovery of amounts due and the said Tahsildar through 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 24.07.2020 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 petitioner, the third respondent Company was already sold by the creditor Bank and the surplus sale proceedings are lying with the erstwhile Management and the said amounts can be recovered from the first respondent by implementing the order dated 24.07.2020.



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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 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 Petition, 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 fourth respondent.



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7. Accordingly, this Writ Petition is disposed of, directing the respondents 1 and 4, 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 this order and intimate the result to the petitioner. There shall be no order as to costs.

NCC : Yes/No
Index : Yes/No
Internet : Yes
LS

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MUMMINENI SUDHEER KUMAR, J.

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