



W.P(MD).No.24814 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.24814 of 2024

and

W.M.P(MD).No.21143 of 2024

Bharath N & P School,
4/180-1, Sundaram Nagar,
Athimarapatti Road,
Muthiahpuram (P.O),
Thoothukudi 628 005.

... Petitioner

Vs.,

1.The District Collector,
Office of the District Collector,
Thoothukudi District.

2.The Revenue Tahsildar,
Thoothukudi.

3.Bajaj Allianz General Insurance Co.Ltd.,
Through its Manager,
Thoothukudi.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of impugned proceedings of the first respondent in Na.Ka.(J1)/1121630/2023 dated 14.07.2023 and quash the same as illegal and unsustainable in so far as it's against the interest of the petitioner herein.



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For Petitioner : Mr.V.Shathurthi Raja
For Respondents : Mr.D.Gandhiraj (For R1 & R2)
Special Government Pleader

ORDER

Challenge has been made to the order passed by the first respondent directing the petitioner to pay a sum of Rs.4,22,481/- (Rupees Four Lakhs Twenty Two Thousand Four Hundred and Eighty One only) along with interest at the rate of 7.5% to the credit of Bajaj Allianz General Insurance Co.Ltd., Thoothukudi.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage.

3. The fact of the case is that one Irulandi filed Motor Accident Claim Petition No.122 of 2007, wherein the petitioner is the first respondent, seeking compensation by alleging that the petitioner's vehicle caused accident and thereby, he succumbed to permanent injury. The tribunal, after the trial, directed the insurance company to pay a sum of Rs.3,14,200/- along with interest at the rate of 7.5% from the date of application till the date of realization and recover the same from the writ petitioner. It appears that first the insurance company has to deposit the said amount, then they sought to enforce the order of the tribunal by way of



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Revenue Recovery Act. Without following the same, now, the impugned order has been passed by the first respondent.

4. At the outset, when the tribunal has already passed order holding that the writ petitioner is liable to pay that amount, it is for the writ petitioner to pay the said amount. The only grievance of the petitioner that there is no clarification in the impugned order with regard to the nature of the interest payable. It is relevant to note that the amount ordered by the tribunal is only Rs.3,14,200/- (Rupees Three Lakhs Fourteen Thousand and Two Hundred only) along with interest at the rate of 7.5% from the date of application till the date of realization. Hence, the petitioner is directed to pay a sum of Rs.3,14,200/- (Rupees Three Lakhs Fourteen Thousand and Two Hundred only) along with interest at the rate of 7.5% as ordered by the tribunal.

5. With the above direction, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

21.10.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

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