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W.P.No.12943 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 12943 of 2023

D. Sahadevan

...Petitioner

Vs.

1.The Deputy Commissioner of Labour,
Office of the Commissioner of Labour,
Teynampet, Chennai – 600 006.

2.District Collector,
Chennai,
62, Rajaji Salai,
Chennai – 600 001.

3.The Tashildar,
Sholinganallur Taluk,
Chennai – 600117.

4.S.M.Abdul Kader

5.B.M.Meeran

...Respondent



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to invoke the provisions of under section 5 of the Revenue Recovery Act 1864 to attach the immovable property bearing door No.87/88, 3rd street, Meenakshi Nagar, Pallikaranai, Sholinganallur Taluk, Chennai-600 100 belonging to the 4th respondent and bring the same to public auction within the time stipulated by this Honourable Court for making payment as per the letter of the 2nd respondent namely the District collector, Chennai-01 No.G3/ 22354/ 19 dated 09.03.2023 addressed to the 3rd respondent to recovery as per the same sum of Rs.62,826/- with 15 percent compound interest calculated as per award of the 1st respondent dated 20.12.2018 made in P.G.No.164/2018 and to arrange for payment of the same to the petitioner.

For Petitioner : Mr. S.Elamurugan

For Respondents : Mr. A.N.Purushotham
1 to 3

For Respondents : No Appearance
4 & 5.



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ORDER

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The above Writ Petition is filed for the following relief:

“Directing the 3rd respondent to invoke the provisions of under section 5 of the Revenue Recovery Act 1864 to attach the immovable property bearing door No.87/88, 3rd street, Meenakshi Nagar, Pallikaranai, Sholinganallur Taluk, Chennai-600 100 belonging to the 4th respondent and bring the same to public auction within the time stipulated by this Honourable Court for making payment as per the letter of the 2nd respondent namely the District collector, Chennai-01 No.G3/ 22354/ 19 dated 09.03.2023 addressed to the 3rd respondent to recovery as per the same sum of Rs.62,826/- with 15 percent compound interest calcluated as per award of the 1st respondent dated 20.12.2018 made in P.G.No.164/2018 and to arrange for payment of the same to the petitioner”.



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2. It is the case of the petitioner that the petitioner who had joined the services of 4th and 5th respondents on 03.04.1995, was removed from service without assigning any reasons. He had completed 18 years of service at the time of removal and the petitioner was drawing a sum of Rs.6,050/- as monthly salary. He was legally eligible and entitled to gratuity as per the provisions of the Payment of the Gratuity Act, herein after called the Act.

3. Since the respondents 4 and 5 had evaded payment, the petitioner had filed a claim petition before the 1st respondent in P.G.No.164 of 2018. The 1st respondent after due enquiry allowed the claim petition and held that the petitioner was entitled to gratuity of a sum of Rs.62,826/- and in case the said amount was not paid within 30 days the same carried 10%. The order was passed on 20.12.2018.

4. Since the respondents 4 and 5 had not come forward to pay the above gratuity to the petitioner, he had approached the 1st respondent



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for executing the order. The 1st respondent by letter dated 16.07.2021 had directed the 2nd respondent to take necessary action for recovering the gratuity amount of Rs.62,826/-. However, the 2nd respondent did not proceed to comply with the order.

5. Thereafter, the petitioner had submitted a representation to the 2nd respondent on 01.09.2021 which was also not responded to. The petitioner thereafter approached the District Revenue Officer by his letter dated 01.11.2021. The District Revenue Officer had directed the 3rd respondent Tahsildar to recover the amount due from the defaulter and pay the gratuity to the petitioner.

6. The 2nd respondent had also directed 3rd respondent to collect the said amount by exercising powers under Section 5 of the Tamil Nadu Revenue Recovery Act. Despite all these directions the respondents 1 to 3 have not recovered the said sum. Therefore, aggrieved the petitioner had approached this Court for the relief stated supra.



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7. Heard the learned counsels and perused the records.

8. Considering the fact that the 1st respondent has as early as on 20.12.2018 held that the petitioner was entitled to gratuity with interest and had forwarded the letter dated 16.07.2021 to the 2nd respondent to recover the said sum by initiating revenue recovery proceedings and the same is yet to be recovered it is clear that the respondents have not performed the statutory duty cast upon them.

9. Therefore, a mandamus is issued directing the 3rd respondent to invoke the provisions of under section 5 of the Revenue Recovery Act 1864 to attach the immovable property bearing door No.87/88, 3rd street, Meenakshi Nagar, Pallikaranai, Sholinganallur Taluk, Chennai-600 100 belonging to the 4th respondent and bring the same to public auction for making payment as per the letter of the 2nd respondent namely the District Collector, Chennai-01 No.G3/ 22354/ 19 dated 09.03.2023 addressed to the 3rd respondent to recover the said sum of



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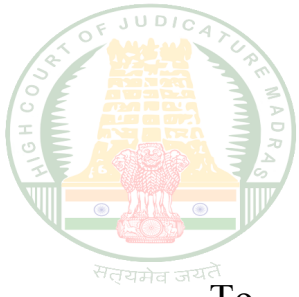
Rs.62,826/- with 15 percent compound interest calculated as per award of the 1st respondent dated 20.12.2018 made in P.G.No.164/2018 and to arrange for payment of the same to the petitioner. The said exercise shall be completed within a period of 2 months from the date of receipt of a copy of this order.

10. The Writ Petition is allowed with the above direction. No costs.

30.06.2025

Index : Yes/No
Internet : Yes/No

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To
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