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W.P.No.13419 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 13419 of 2024

&

W.M.P.Nos. 14581 & 14582 of 2024

Babu Ganesh

...Petitioner

Vs.

1.The District Magistrate &
District Collector
No.62, Rajaji Salai,
Parrys, Chennai 600 001.

2.The Deputy Commissioner of Labour – I
DMS Compound
Chennai 600 006.

3.The Tasildar,
Mylapore – Triplicane Taluk,
Greenways, Mylapore,
Chennai 600 004.



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4.The Inspector of Police
E4, Abhiramipuram Police Station,
Chennai – 600 004.

5.The Superintendent of Police,
Central Prison – I
Puzhal, Chennai – 600 066.

6.Chenngaiammal

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Certiorari, to call for the records from the 1st respondent and to quash the order passed by the 1st respondent under Section 48 and 49 of the Revenue Recovery Act dated 28.03.2024.

For Petitioner : Mr. Babuganesh

For Respondents : Mr. N.Murali
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ORDER



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The above Writ Petition has been filed challenging the order passed by the 1st respondent under Section 48 and 49 of the Revenue Recovery Act in and by which the 1st respondent has implemented the order passed in WC.No.167 of 2007 by the 2nd respondent.

2. The petitioner has challenged the order in WC.No.167 of 2007 with delay before this Court by filing CMA.No.Sr79285 of 2024. Since there was a delay of 4916 days in filing an appeal, he had taken out an application in CMP.No.15512 of 2024 for condoning the delay.

3. This Court by order dated 21.12.2024 dismissed the said petition by stating that the petitioner has not made out any case for challenging the order passed in WC.No.167 of 2007 by the Deputy Commissioner of Labour, Teynampet.

4. The learned Judge of this Court had observed as follows:



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“Therefore, this Court is of the considered opinion that not only the Deputy Commissioner of Labour, but also this Court, on the earlier occasions, by two detailed orders, have directed the authorities to take action and the stringent directions had made the appellant to deposit the amount to the credit of the case before the Deputy Commissioner of Labour, only on account of the appellant having been confined behind bars. Therefore, when there is no case, much less arguable case available as against the order passed by the Deputy Commissioner of Labour, no useful purpose would be served in condoning the delay in filing the appeal against the said order and granting any relief of condonation of delay would be nothing but travesty of justice to which, this Court cannot be a party to.

5. Therefore, the order passed in WC.No.167 of 2007 has attained



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finality. The petitioner has now taken change of vakalat from the counsel as early as on 16.07.2025 and has not taken any steps to represent this case either in person or through counsel. The matter had come up on 07.08.2025 and this Court had directed the learned counsel for the petitioner to file a memo to the effect that he has given a change of vakalat and a memo to this effect has also been filed.

6. It is informed that the petitioner has deposited the entire amount for which revenue recovery proceedings have been initiated and the same is lying in the deposit of the 2nd respondent to the credit of WC.No.167 of 2007. In the order in CMP.No.15512 of 2024 in CMA.No.Sr79285 of 2024 the learned Judge had directed the 2nd respondent to release the amount.

7. It is submitted that the said amount is not released in view of the pendency of this Writ Petition.

8. Considering the fact that the petitioner's challenge to the award



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in WC.No.167 of 2007 had failed there is no merits in the present Writ Petition. Consequently, directions are issued to the 2nd respondent to forthwith release the amount to the 6th respondent workman on him making an application. The application will be filed within a period of 1 week from the date of receipt of a copy of this order and the 2nd respondent shall within a period of 2 weeks thereafter release the entire amount deposited with accrued interest.

9. The Writ Petition is dismissed. Consequently the connected miscellaneous petitions are closed. No costs.

08.08.2025

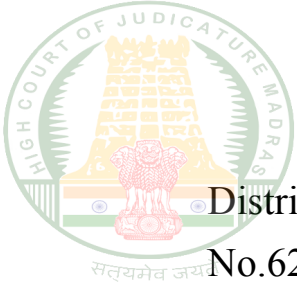
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To

1.The District Magistrate &

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P.T. ASHA, J

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