



WEB COPY



W.P.No.25526 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.25526 of 2021
and WMP.No.26952 of 2021

M.Rathinaraj

... Petitioner

Vs.

1.The Tahsildar
Udumalaipettai.

2.Dhanabakiam

3.Minor Sona

4.Minor Sanjay

[Respondents 2 & 4 are represented by
their mother Dhanabakiam]

5.Saraswathy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records on the file of the first respondent in proceedings Na.Ka.No.4508/2021/A5 dated 27.07.2021 and quash the same as illegal, incompetent and without jurisdiction.



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For Petitioner : Ms.R.Poornima

For Respondents : Mr.M.Murali
Government Advocate for R1

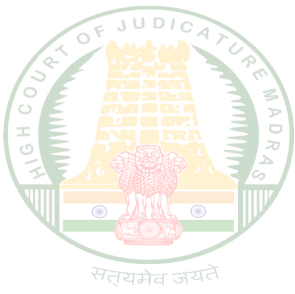
Mr.C.Veeraraghavan for R2 & R5

ORDER

The petitioner seeks to challenge the proceedings of the first respondent dated 27.07.2021 in Na.Ka.No.4508/2021/A5. This impugned order is a demand made by the first respondent to the petitioner to pay a sum of Rs.7,93,240/-, within a period of seven days from the date of receipt of notice, failing which, revenue recovery proceedings would be initiated against the petitioner to recover the said amount.

2. The brief facts which led to the issuance of impugned order are as follows :

- a) The petitioner was running a company in the name and style of M/s.Rathinam Industries, at Door No.3/222, Ranganatha Layout, S.V.Puram, Udumalpet. One Senthil Kumar was working as a aluminum spinner in the said company and on 15.12.2021, while he



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working before the machine, the machine had broken out and the said Senthil Kumar had sustained grievous injuries all over his body and was succumbed to death.

- b) The respondents 2 to 5, who are his legal heirs, have filed a Workman Compensation Petition before the Commissioner for Workman Compensation, Deputy Commissioner of Labour, Coimbatore in W.C.No.70/2011, claiming compensation from the petitioner, for a sum Rs.20,00,000/-. Their contention in the claim petition is that the said Senthil Kumar, who is the husband of the second respondent, father of the respondents 3 and 4 and the son of fifth respondent, had died in an accident during the course of his employment under the petitioner herein and therefore, he is liable to pay compensation for his death.
- c) By an order dated 18.01.2012, a compensation of Rs.7,93,240/- was ordered in and by which, the petitioner was directed to deposit the said amount into the Court. The petitioner was set exparte, as he did not participate in the said proceedings and had also refused to receive the notice sent by the Deputy Commissioner of Labour.
- d) Thereafter, the petitioner had filed I.A.No.72 of 2016 to set aside the



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exparte order. The respondents have filed their counter on 23.12.2006 and the case was posted for arguments. The counsel for the petitioner had required the petitioner to provide certain documents relating to the case. In the interregnum, the petitioner had fallen ill and could not contact his counsel to provide him the required documents. Consequently, the said I.A.No.72 of 2016 was dismissed on 05.01.2017.

- e) The petitioner would contend that he was not aware about the dismissal of I.A.No.72 of 2016, and only when he received the impugned order, he had come to know about the dismissal of said I.A.
- f) In the meantime, the first respondent had issued the impugned order dated 27.07.2021 directing the petitioner to deposit a sum of Rs.7,93,240/-, failing which, revenue recovery proceedings would follow.

Hence, the petitioner is before this Court seeking to quash the impugned order of the first respondent.

- 3. The petitioner would contend that he had filed a petition to restore the



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application in I.A. No.72 of 2016, which has been dismissed for default, and the same is pending. That apart, he did not have the wherewithal to pay the compensation amount, since he was no longer in the business, as he is going through severe financial crisis. The petitioner would also contend there is no employer-employee relationship between him and the deceased Senthil Kumar.

4. Heard the learned counsel for the petitioner.

5. The petitioner had suffered an award dated 18.01.2012 in W.C.No.70 of 2011. Since the award was an exparte award, the petitioner had filed an application in I.A.No.72 of 2016, to set aside the exparte award. The said I.A. was also dismissed for default, on account of his non-appearance. Therefore, the award passed by the Deputy Commissioner of Labour, has become final. The petitioner is now challenging the subsequent order issued by the first respondent, impugned herein, which is nothing but a proceedings akin to the execution proceedings, where the authorities are called upon to recover the compensation amount alone. The award having attained finality, the petitioner cannot now contest the main application in the guise of questioning the impugned order, which is nothing but a sequel to the award. No serious grounds



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of challenge has been raised by the petitioner and therefore, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation : Yes / No
ds

To:

The Tahsildar
Udumalaipettai.



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P.T. ASHA, J.

ds

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