



W.P(MD)No.16859 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.16859 of 2023

S.Paulmathi

... Petitioner

Vs

The District Collector,
Kanyakumari District,
Kanyakumari.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondent to recover the award based on the certificate issued through Form 24 in M.C.O.P.No.74 of 2018 on the file of the Subordinate Court, Eraniel, Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondent : Mr.D.Gandhi Raj
Special Government Pleader



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ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondent to comply with the order passed in M.C.O.P.No.74 of 2018 dated 07.11.2022 thereby directing the respondent to recover the award amount under the Revenue Recovery Act.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner's husband met with an accident on 13.10.2016 due to rash and negligent driving of the car bearing Registration No.TN-01-Y-0140 and died. The petitioner, who is being the wife of the deceased, filed a claim petition under the Motor Vehicles Act in M.C.O.P.No.74 of 2018 on the file of the Sub Court, Eraniyal. The vehicle was not insured with any insurer and as such, the owner of the car was directed to pay compensation by an award dated 27.02.2019 to the tune of Rs.15,60,00/- with interest at the rate of 9%. However, the owner of the vehicle did not comply with



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the order and as such, the petitioner was constrained to file an Execution Application in E.A.No.1 of 2020. However, it was informed that the owner of the car died and as such, his legal heirs were impleaded as parties in I.A.No.3 of 2021. Subsequently, the petitioner also filed an application in I.A.No.7 of 2022 on the file of the Sub Court, Eraniyal under Section 174 of the Motor Vehicles Act, 1988 for issuance of a certificate to the respondent for recovering the award amount under the Revenue Recovery Act. Accordingly, the certificate was issued by the Tribunal on 07.11.2022 and thereby directed the respondent to comply the award. However, so far the respondent has not taken any steps to recover any award amount as directed by the Motor Accidents Claims Tribunal.

4.On instructions, Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondent would submit that the deceased car owner did not own any land, as per the revenue records, however, his sons have immovable properties.

5.In view of the above, the respondent is directed to verify whether the immovable property is owned by the legal heirs of the deceased Rajasekar who derived title over the same through



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inheritance or their self-earned property. Thereafter, the respondent is directed to proceed against them to recover the award amount as per the award passed by the Motor Accident Claims Tribunal in M.C.O.P.No.74 of 2018 on the file of the Sub Court, Eraniyal, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

06.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

The District Collector,
Kanyakumari District,
Kanyakumari.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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06.01.2025