



WP(MD)No.26318 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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R.Malaisamy

...Petitioner

Vs

- 1.The Deputy Commissioner of Labour,
(Employees' Compensation Officer),
Office of the Deputy Commissioner of Labour,
Madurai.
- 2.The Collector,
Coimbatore District.
- 3.The Tahsildar,
Coimbatore (South),
Coimbatore District.
- 4.The Tahsildar,
Rajapalayam Town and Taluk,
Virudhunagar District.
- 5.VS.Murugan
- 6.Vanaraj (Died)
- 7.Muthulakshmi
- 8.Kali Dass



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9.Ranjith Kumar

10.Selvaganesh

...Respondents

[R7 to R10 are impeladed vide order dated 22.09.2025 in WMP(MD)No. 19483 of 2025]

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 3rd and 4th respondents to recover a sum of Rs.2,15,040/- each from the 5th and 6th respondents along with interest at the rate of 12% being payable to the petitioner under an award passed by the 1st respondent in WC.No.204/2010 under Revenue Recovery Act pursuant to the representation of the petitioner dated 29.11.2019 to the 3rd and 4th respondents and consequently direct the 1st respondent to pay the recovered amount to the petitioner within stipulated time.

For Petitioner : Mr.R.Krishnan

For Respondent : Mr.S.Vinodh
Nos.1 to 4 Government Advocate

ORDER

The petitioner is said to have suffered injury while executing a work for the respondents 5 and 6, on 30.09.2009. He suffered fracture of L1 Lumber Vertebra, resulting in Paraplegia paralysis of both lower



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limbs. He suffered 80% disability. The petitioner has filed an application before the 1st respondent / Deputy Commissioner of Labour under the Employees Compensation Act, 1923 [herein after referred as 'the Act'] in WC.No.204 of 2010. The first respondent, after adjudicating the claim of the petitioner has passed an order dated 26.04.2016 directing the respondents 5 and 6 to pay a sum of Rs.2,15,040/- each, in total Rs.4,30,080/- along with 12% interest from the date when it became payable within 30 days from the receipt of the order. However, the same has not been complied with. Therefore, the petitioner is before this Court by way of this writ petition seeking a direction to the respondents 3 and 4 to recover the amount from the respondents 5 and 6 along with interest, as per award passed in WC.No.204 of 2010. This writ petition is pending from the year 2019. The respondents 1 to 4 have not taken any steps to recover the amount as awarded in WC.No.204 of 2010.

2.Pending this writ petition, it is reported that the respondent 6 died and therefore, his legal heirs have been impleaded as respondents 7 to 10. The notice to respondents 5, 7 to 10 were returned as insufficient address. The petitioner has expressed his difficulty to find out the correct



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address of them. Considering the petitioner's condition that he has suffered injury and 80% disability, this court proceeds further with the writ petition.

3.The learned Government Advocate appearing for the respondents 1 to 4 submits that if a direction is issued, they will take necessary action.

4.Section 31 of the Act enables the Commissioner to recover it as an arrear of land revenue from the respondents 5 and 6, if amount is payable under the Act. Section 31 of the Act refers that the Commissioner shall be deemed to be a Public Officer within the meaning of Section 5 of the Revenue Recovery Act, 1890.

5.The object of the Act is to ensure protection to the workmen as far as possible whenever hardships are arising due to accident. Though Section 31 of the Act itself empowers the 1st respondent as an authority under Section 5 of the Revenue Recovery Act, the 1st respondent has not taken any initiative to ensure that the award, which has been passed in the year 2016, is complied with, even after taking notice in this writ petition.



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6.This court by order dated 10.09.2025 directed the learned Government Advocate to get instructions from the 1st respondent as to the course of action taken by him pursuant to the orders passed by him on 26.04.2016. The learned Government Advocate submits that the 1st respondent being quasi judicial authority, he is not inclined to give report as directed by this court.

7.This court has also directed the learned Government Advocate to get instructions from the Tahsildar, Rajapalayam and the Thasildar, Rajapalayam has informed the learned Government Advocate that the whereabouts of the respondents 5 and 6 could not be identified.

8.The petitioner has suffered injury while executing the work for the respondents 5 and 6, for which proceedings were initiated under the Employees Compensation Act and the order has been passed on 26.04.2016. The petitioner has filed this writ petition seeking a direction to the respondents 3 and 4 to recover this amount from respondents 5 and 6. The efforts taken by the respondents to identify respondents 5 and 6 have not yielded fruitful results and this writ petition



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is lying before this court from the year 2019. Therefore, this writ petition is allowed with a direction to respondents 1 to 4 to implement the orders in WC.No.204 of 2010, dated 26.04.2016 by initiating proceedings under Revenue Recovery Act and to ensure that the amount is settled to this petitioner within a period of six months from the date of receipt of a copy of this order. No costs.

16.10.2025

DSK

To

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(Employees' Compensation Officer),
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- 2.The Collector,
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B.PUGALENDHI.J.,

DSK

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