

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.17058 of 2015
and M.P.No.1 of 2015

S.Thangarasu, S/o. Subramaniam,
General Secretary,
Puthiya Jananayaga Thozhilalar Munnani
No.110/63, N.S.K.Salai, Kodambakkam,
Chennai ...Petitioner

-Vs-

1. Government of Tamil Nadu
Represented by its Secretary,
Department of Home Affairs/
Prohibition & Exise,
Secretariat,
Fort. St. George, Chennai.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai.
3. The Commissioner of Police,
Coimbatore Metropolitan City,
Coimbatore.
4. The District collector,
Coimbatore District,
Coimbatore.
5. The Assistant commissioner of
Labour (Conciliation)-3,
Dr. Balasundaram Road,
Coimbatore - 641 018.
6. The Inspector of Police,
B-11, Sai Baba Colony Police Station,
Coimbatore.
7. The Inspector of Police,
B-9, Saravanampatti Police Station,
Coimbatore.

8.The Inspector of Police,
B-6, Beelaemedu Police Station,
Coimbatore.

9.Ms.Vasuki, SSI,
O/o. B-11, Sai Baba Colony
Police Station,
Coimbatore.

10.Mr.Nagarajan, HR-Manager,
C.R.I. Pumps Private Limited,
Unit of C.R.I. Pumps,
122-B, Athipalayam Road,
Chinnavedampatti,
Coimbatore - 641 049.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the 3rd and 4th respondents from passing orders against the State Vice-President of petitioner Trade Union namely P.Ramasamy @ Vilavai Ramasamy son of Palaniappan aged about 55 years having office at No.110, N.S.K.Salai, Kodambakkam Chennai from detaining him under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (Act 14/1982) and further direct the respondents 2 and 3 to take appropriate action against the 9th and 10th respondents based on the representation made by the petitioner dated 17.06.2015.

For Petitioner : Mr.R.Sankara subbu for
Mr.S.Parthasarathi

For Respondents: Mr.R.M.Muthukumar,
Government Advocate for R1 to R8.

O R D E R

By consent, this Writ Petition itself is taken up for final disposal.

2. The petitioner claims that he is a State General Secretary of a Trade Union called as "Puthiya Janannayaga Thozhilalar Munnani" (NDLF)- Tamil Nadu, which is a registered Trade Union and it is functioning for the past 20 years throughout the Tamil Nadu with the aim to protect the rights of the working class and develop their life style.

3. The petitioner would state that Mr.Ramasamy, State Vice-President of the said Union and also a founder member of the Union is exploiting the class of workers employed in various industries and mills located in and around the city of Coimbatore. The petitioner would further state that respondents 6 to 8 are supporting the unfair labour practices of the said industries in an illegal manner and by

doing so, they did not ensure the rights of the working class and acting as legal goondas on behalf of the industrialists and threatening the underprivileged workers/trade union members, whenever they are raising their voice for their grievance.

4. It is further stated by the petitioner that the Management of CRI- Pumps Private Limited, Coimbatore- 49, did not attend any conciliation proceedings with regard to the Industrial dispute and on the other hand through the help of police officials foisted three cases against Ramasamy within short span of time and the details of which is given in paragraph No.18 of the affidavit filed in support of this petition. The apprehension expressed by the petitioner is that respondents 6 to 8 are taking emergency steps to invoke the provisions of Tamil Nadu Act 14 of 1982 and to detain Ramasamy under the said Act and in this regard, a detailed representation was submitted to respondents 3 and 4 on 13.06.2015 and though the said representation has not been disposed of, emergency steps are being taken to detain Ramasamy under the provisions of the said act, the petitioner came forward to file this writ petition.

5. Mr.R.Sankara Subbu, the learned counsel appearing for the petitioner in his usual vehemence has invited the attention of this Court to the Judgment rendered by the Honourable Supreme Court of India in the case of Deepak Bajaj Vs. State of Maharashtra and another reported in (2208) 16 Supreme Court Cases 14 and in the case of S.M.D.Kiran Pasha Vs. Government of Andhra Pradesh and others reported in (1990) 1 Supreme Court Cases 328 and would submit that this Court, in exercise of jurisdiction under Article 226 of the Constitution of India, can pass a preventive order restraining the detaining authority from passing order of detention as the liberty of a citizen is paramount important in the light of Article 21 of the Constitution of India and prays for interim orders. The learned counsel appearing for the petitioner has also drawn the attention of this Court to the interim order dated 25.09.2014 made in W.P.No.26534 of 2014 and M.P.No.1 of 2014 and would submit that in similar facts and circumstances, this Court has granted interim order restraining the respondents therein from invoking the provisions of Tamil Nadu Act 14 of 1982 against the said petitioner and prays for similar relief.

6. This Court heard the submissions of Mr.R.M.Muthukumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 8 would submit that the representation submitted by the petitioner may be directed to be disposed of by the third respondent.

7. This Court has carefully considered the submissions made by the learned counsel appearing for the petitioner and Mr. Mr.R.M.Muthukumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 8.

8. The prayer sought for by the petitioner is for the larger relief and this Court, in the facts and circumstances and without going into merits of the case, is of the view that it will suffice to direct the third respondent to consider and dispose of the petitioner's representation dated 13.06.2015, in accordance with law within a stipulated time and till then to defer further action if any to detain Ramasamy under the provisions of Tamil Nadu Act 14 of 1982.

9. In the result, this Writ Petition is disposed of and the third respondent is directed to consider and dispose of the petitioner's representation dated 13.06.2015, after giving an opportunity of personal hearing to the authorised representative of Covai Maavatta Puthiya Jananayaga Thozhilalar Munnani, K.R.R. Complex, Thadagam Road, KNG. Puthur, Coimbatore-641 025 and pass orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken to the said Union/Association and till then, the third respondent is directed to defer further action on the proposal, if any, to be mooted out by respondents 6 to 8 under the provisions of Tamil Nadu Act 14 of 1982. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vsm
To

1. Government of Tamil Nadu
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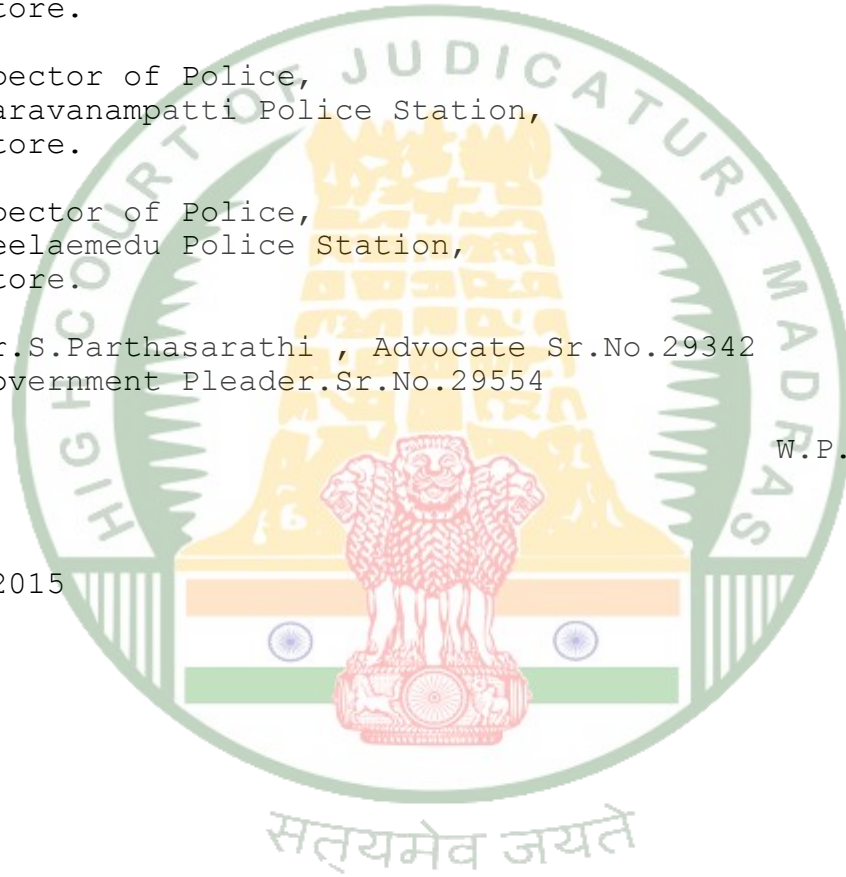
8.The Inspector of Police,
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2 cc to Mr.S.Parthasarathi , Advocate Sr.No.29342

1 cc to Government Pleader.Sr.No.29554

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