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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.01.2013

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBBIAH**

W.P(MD)No.1059 of 2013

V.R.Rathinam

..Petitioner

Vs

1. The Deputy Chief Inspector of Factories,  
2/3, Abdul Salam Street,  
Khaja Nagar, Mannarpuram,  
Tiruchirappalli - 620 020.

2. The Assistant Director of Boilers,  
Tanjai-Tiruchy Circle,  
42-D, Heber Road,  
Beema Nagar,  
Tiruchirappalli - 620 001.

3. Sri Ganapathi Rice Mills,  
represented by its Manager,  
Mr.N.Thiyagarajan.

..Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 29.11.2012 and take suitable action under the provisions of the Factories Act and Indian Boilers Amended Regulatory Rules, 1950.

For Petitioner : Ms.J.Maria Roseline

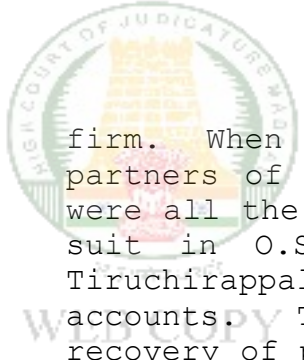
For Respondents : Mr.D.Muruganandam  
1 and 2 Addl.Govt.Pleader

**ORDER**

By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 29.11.2012 and take suitable action under the provisions of the Factories Act and Indian Boilers Amended Regulatory Rules, 1950.

3. In the affidavit, it has been averred that the Petitioner is one of the owners of the lands ad-measuring an extent of 3 acres and 2 cents comprised in S.No.109/2 in Manachanallur Village and Taluk, Tiruchirappalli District. The said land has been taken on lease by the third respondent firm. The third respondent is running a rice mill in the said premises. The Petitioner is also a partner in the third respondent



firm. When there were consistent acts of fraud perpetrated by the other partners of the firm on the petitioner and other owners of the site who were all the partners in the firm, the petitioner and other owners filed a suit in O.S.No.876 of 2011, on the file of the Subordinate Court, Tiruchirappalli for dissolution of partnership firm and for rendition of accounts. The Petitioner and other owners have also filed a suit for recovery of possession of the lease premises in O.S.No.879 of 2011, on the file of the Subordinate Court, Tiruchirappalli. The third respondent rice mill was established in the year 1928 and the boiler used in the rice mill was established as early as in the year 1929. The building of the rice mill was in a dilapidated condition and the boiler had also lost its operational stability and there is an imminent danger of the boiler blasting at any moment. Hence the petitioner had given a representation on 21.11.2012 to the first respondent to take steps to stop the operation of the boilers. But the second respondent has given a certificate increasing the working pressure of the boilers which is in violation of the regulation 391A of the Indian Boilers Amended Regulatory Rules, 1950. Hence the petitioner has given another representation dated 29.11.2012 to the second respondent to stop the operation of the boiler. But till date no action was taken by the first and second respondents. Hence the Petitioner has filed the present Writ Petition for the relief stated supra.

4. Considering the submission made by the learned counsel on either side, the Writ Petition is disposed of, directing the first and second respondents to consider the petitioner's representation dated 29.11.2012 and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Deputy Chief Inspector of Factories,  
2/3, Abdul Salam Street, Khaja Nagar,  
Mannarpuram, Tiruchirappalli - 620 020.
2. The Assistant Director of Boilers,  
Tanjai-Tiruchy Circle, 42-D, Heber Road,  
Beema Nagar, Tiruchirappalli - 620 001

+1cc to the Special Government Pleader vide in SR.No.2998.

Vsn

TS/18.02.2013/2P-4C

W.P (MD) No.1059 of 2013