

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37568 of 2015

& M.P.No.1 of 2015

& W.M.P.No.9535 of 2016

V.R.Sasidharan

.. Petitioner

Vs.

1. Director General of Employment & Training,
The Ministry of Labour and Employment,
Directorate of Employment and Training,
Shram Sakthi Bavan, Rafi Marg,
New Delhi-110 001.
2. The Joint Director of Training,
The Ministry of Labour and Employment,
Directorate of Employment and Training,
Shram Sakthi Bavan, Rafi Marg,
New Delhi-110 001.
3. The Director,
The Directorate of Employment and Training,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai-600 032.
4. The Joint Director (Craftsmen Trade),
The Directorate of Employment and Training,
Alandur Road, Guindy Industrial Estate,
Guindy, Chennai-600 032.
5. The Regional Joint Director of Training,
Government Multistoried Building,
Khajamalai, Trichy-620 020.
6. G.Balamurugan
7. S.Meganathan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 3, 4 and 5 to take action for the petitioner's representation, dated 28.09.2015 which was sent through the petitioner's Advocate, followed by 12.11.2014.

For Petitioner : Mr.G.Veerapathiran
For Respondents : Mrs.P.Rajalakshmi,
Govt. Advocate for RR-3 to 5
Mr.N.Suresh for RR-6 & 7

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 3, 4 and 5 to take action for the petitioner's representation, dated 28.09.2015 which was sent through the petitioner's Advocate, followed by 12.11.2014.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that he is the owner of the land measuring 37278 Sq.Ft. comprised in Survey No.49/3 at NGGO Quarters, Salamedu, Villupuram. Originally, the above land belonged to his mother Mangayarkarasi, who has settled the above land through a registered settlement deed, dated 19.05.2006. From the date of settlement, till date, the petitioner is in peaceful possession and enjoyment of the above said land. Subsequently, when the petitioner wanted to construct two go-downs in the said place, he applied a plan to the concerned authorities, who had also sanctioned the plan on 27.09.2011, after which, the petitioner started construction which has come to the lintel level. At that time, the sixth and seventh respondents interfered with the construction and filed a civil suit in O.S.No.252 of 2014 on the file of the District Munsif Court, Villupuram for permanent injunction and in the said suit, in I.A.No.700 of 2014, the respondents 6 and 7 obtained an ex-parte order of interim injunction restraining the petitioner herein from putting up further construction. On contest by the petitioner and after enquiry, the learned District Munsif vacated the interim injunction and dismissed the said I.A. Thereafter, the respondents 6 and 7 filed appeal in C.M.A.No.13 of 2014 before the Sub-Court, Villupuram and the learned Subordinate Judge did not grant any interim order and the said C.M.A. is pending before the Sub-Court, Villupuram.

3. It is further stated by the petitioner that the respondents 6 and 7 are running the institute under the name and style of Nataraj Pvt. ITI at Salamedu, Villupuram and more than 300 students are getting training. As per the norms of NCVT/SCVT, if more than 200 trainees are trained by the institute, minimum of 1.5 acre in metro/urban/semi-urban and 0.5

acre of additional space for hostels and staff quarters are required. The respondents 6 and 7 have purchased only 42.5 cents and hence, they are not having sufficient land for running the institute as per the said norms. It is further stated by the petitioner that after going through the records, the petitioner found that the said Nataraj Pvt. ITI has shown the petitioner's land of 85.5 cents as their occupation, which was also shown to the concerned authorities for running the said institute. Hence, the petitioner immediately sent a letter to the fifth respondent on 12.11.2014 stating that the respondents 6 and 7 are not having valid documents and also place to run the said institute. No reply was received from the fifth respondent. Thereafter, the petitioner's mother wrote a letter to the second respondent and also to the third respondent on 24.03.2015. The petitioner also wrote a letter to the second respondent on 28.03.2015. Subsequently, on 15.04.2015, the second respondent forwarded the above complaint of the petitioner to the third respondent for appropriate action. Thereafter, when the matter was followed, the third respondent informed on 16.04.2015 that they have forwarded the complaint to the fifth respondent. Since no action is taken, the petitioner sent a notice to the respondents 1 to 5 on 12.06.2015 through his Advocate. Since no reply was forthcoming, the petitioner sent another letter on 28.09.2015 to the fourth respondent. As there is no response inspite of repeated representations, the petitioner has filed this Writ Petition for the above relief.

4. The seventh respondent, on his behalf and on behalf of the sixth respondent, has filed counter affidavit, stating that they are running the ITI as per the regulations and have not deviated from any rule. Insofar as the property situate adjacent West totalling 85.5 cents is concerned, it is admitted by the respondents 6 and 7 that the ITI office is being run in the building situate in the said property. On the basis of the oral tenancy, the building with appurtenant land was rented out by the petitioner and his wife and on the basis of the oral tenancy, the building was occupied by the office of the ITI and the students of ITI are using the vacant portion as play ground and the same position continues even today. Since the petitioner and others including his wife and mother attempted to interfere with the possession of the respondents 6 and 7, they have filed the suit in O.S.No.252 of 2014. There are only 84 students for first year and 84 students for second year, totalling 168 trainees and it is false to state that more than 300 trainees are getting training in the ITI. The ITI is being run by the respondents 6 and 7 with required space, only as per the latest norms issued by the Government of India, Ministry of Labour and Employment Department. In the portion which is in the occupation of the respondents 6 and 7 on the basis of oral tenancy, the petitioner encroached on the Southern side and started putting up construction recently and claiming it to be go-down. The

respondents 6 and 7 prayed for dismissal of the Writ Petition.

5. Heard both sides.

6. Taking into consideration the factual aspects of the matter, without going into the merits of the case, this Court directs the respondents 3 to 5 to consider the representations of the petitioner, dated 12.11.2014 and 28.09.2015, conduct enquiry, give an opportunity of personal hearing to the petitioner and other necessary parties, including the sixth and seventh respondents herein, and thereafter pass appropriate orders and dispose of the said representations, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents 3 to 5 to decide the same.

7. With the above observations and directions, the Writ Petition is disposed of. No costs. The Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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Copy to

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Khajamalai, Trichy-620 020.

+1 cc to Mr.G.Veerapathiran Advocate sr.20404/16
+1 cc to M/s.Government Advocate sr.20512/16
+1 cc to Mr.N.suresh Advocate sr.21097/16

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