



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.12.2016**

CORAM:

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

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A.[MD].No.1602 of 2016

Chinnakannayan,
Managing Partner,
Abhirami Spinners, Madurai Theni Main Road,
Shanmugasundaram Post,
Andipatti Taluk.

: Appellant/3rd Respondent

Vs.

1.Minor V.Pandian @ Sivapandian
2.The District Collector,
Theni District, Theni.

:Respondent/Petitioner

3.The Tahsildar,
Theni District, Theni.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 02.12.2014, made in W.P.(MD).No.3928 of 2004.

Prayer in WP(MD). 3928/ 2004 :

Petition is filed under Article 226 of the Constitution of India, praying for a WRIT OF MANDAMUS directing the respondents 1 and 2 to initiate Revenue Recovery Proceedings against the 3rd respondent to recover the award amount Rs.64,277/- with 12% interest as directed by the Deputy Commissioner Labour, Madurai in his proceedings A4/6142/00 dated 09.01.2001 and to deposit the same to the credit of Deputy Commissioner Labour, Madurai within a time limit fixed by this Hon ble Court

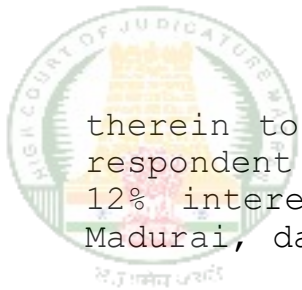
For Appellant : Mr.M.Arun Murugan

For Respondent No.1 : Mr.PTS.Narendravasan
For Mr.K.Periyasamy

JUDGMENT

[Judgment of the Court was made by R.SUBBIAH, J.]

The Writ Appeal has been filed as against the order dated 02.12.2014, made in W.P.(MD).No.3928 of 2004.



therein to initiate revenue recovery proceedings against the third respondent therein to recover the award amount of Rs.64,277/- with 12% interest, as directed by the Deputy Commissioner of Labour, Madurai, dated 09.01.2001.

3. The learned Single Judge of this Court, by order dated 02.12.2014, while disposing of the said Writ Petition, issued a direction to the respondents 1 and 2 therein to initiate revenue recovery proceedings against the third respondent therein, to recover the award amount of Rs.64,277/- with 12% interest, as directed by the Deputy Commissioner of Labour, Madurai, in his proceedings in A4/6142/00, dated 09.01.2001 and to deposit the same to the credit of Deputy Commissioner of Labour, Madurai, within a period of one month from the date of receipt of a copy of the order.

4. The said order is under challenge in this Writ Appeal by the appellant herein, after a lapse of twelve years. In our considered opinion, the Writ Appeal is liable to be dismissed on the ground of laches. There are no reasons stated explaining the delay in the affidavit filed in support of the Writ Appeal. A relief under Article 226 of the Constitution of India is a discretionary relief and unless a party comes to the Court with clean hands and in time, it is not permissible for this Court to exercise the said discretionary power in favour of him. It is a well settled law that a party, who is guilty of laches, is not entitled for any relief in a Writ Petition, though he may have a valid ground. Applying the said principle, we are of the considered view that this Writ Appeal is liable to be dismissed on the ground of laches.

5. In the result, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Theni District, Theni.

NB

MAS/MSK-TTN:20.01.2017: 2P/3C

JUDGMENT MADE IN
W.A. [MD].No.1602 of 2016
23.12.2016