

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5072 of 2017

R.Shanmuganathan

..Petitioner

-vs-

- 1.The Secretary
Department of Labour & Employment
Government of Tamilnadu
Secretariat
- 2.The Commissioner
Labour Welfare Building
6th Floor, DMS Complex
Teynampet, Chennai
- 3.The Joint Commissioner of Labour
Labour Welfare Building
6th Floor, DMS Complex
Teynampet, Chennai
- 4.Deputy Commissioner of Labour (Inspection)
Labour Welfare Building
6th Floor, DMS Complex
Teynampet, Chennai
- 5.The Controller of Legal Metrology
(Weights & Measures)
DMS Compound
Teynampet
Chennai 600 006
- 6.The Additional Controller of
Legal Metrology
DMS Compound
Teynampet
Chennai 600 006
- 7.The Deputy Inspector of Labour/
Assistant Controller of Legal Metrology
No.7/109, Ramakrishnapuram 1st Street
St.Thomas Mount
Chennai 600 088

8.The Inspector of Labour (Legal Metrology)
No.76C, Pallukoodathan Street
Kancheepuram 631 501

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider and pass order on the representation dated 12.01.2017 & 11.02.2017.

For Petitioner :: Mr.S.V.Vijay Prashanth

For Respondents :: Mr.M.Elumalai
Government Advocate

ORDER

The land belonging to the petitioner and his family members in an extent of 25 acres was acquired by the SIPCOT for establishing a SIPCOT layout under a notification dated 3.11.2006 and by an order dated 21.4.2008, the SIPCOT has allotted CPI plot consisting of 2.17 acres for setting up of boarding and lodging facilities to the petitioner's father Mr.Rajendran. By order dated 31.10.2014, the SIPCOT also had granted approval of the transfer of the lease hold rights from the petitioner's father to the petitioner. On the basis of the said order dated 31.10.2014, Indian Oil Corporation Limited also has given a letter of intent for setting up a petrol bunk station and thereafter the SIPCOT also has executed a lease deed in favour of the petitioner on 3.10.2016 and this apart, a no objection certificate was also given by the District Revenue Officer, Kancheepuram for establishing a petrol bunk on 23.8.2016 in favour of Indian Oil Corporation Limited. In the meanwhile, Writ Petition No.34626 of 2016 filed by one competitor Mr.T.Mahesh was also pending with the vacation of the interim order. In this background, the grievance of the petitioner is that when a representation has been given to the Secretary of Labour and Deputy Commissioner of Labour on 12.1.2017 to collect the fees for stamping the petrol bunk and one more representation was also sent by registered post to the Inspector of Labour and Joint Commissioner of Labour on the same day, the request of the petitioner in the representation has not been considered. Finally, finding no reply, the petitioner has come to this Court seeking for a direction to consider his representation.

2. After taking instructions from Mr.A.Divianathan, Deputy Commissioner of Labour (Inspection), Controller of Legal Metrology, Office of the Commissioner of Labour, Teynampet, Chennai, who is present in the Court, Mr.M.Elumalai, learned Government Advocate submitted that since the other Writ Petition No.34626 of 2016 filed by the petitioner's competitor

Mr.T.Mahesh is pending, of course, with vacation of the status quo order, the petitioner's representation could not be considered. However, he submitted that since the Commissioner of Labour has gone on national call to attend the Uttar Pradesh State elections and until the counting is over, he will not attend the office here and the Secretary to Government, Department of Labour and Employment has also presently gone to attend an official conference at Pune, if four weeks time is granted, the petitioner's representation will be considered.

3. This Court, accepting the request made by the learned Government Advocate, hereby directs the respondents to consider the pending representation of the petitioner on merits and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.5350 of 2017 is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government
Department of Labour & Employment
Government of Tamilnadu
Secretariat
Chennai 600 009
- 2.The Commissioner
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+2ccs to Mr.S.V. Vijay Prashenth Advocate Sr. 13834

W.P.No.5072 of 2017

RJ(CO)
VR(14/03/2017)



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