

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Writ Petition No.849 of 2017

Tamil Nadu Arasu Podhu Pani

Thurai Minpaniyalargal Sangam[*10.MDS/1965]

rep. by its General Secretary

Room No. 21, PWD Campus,

Chepauk, Chennai-5

... Petitioner

Vs.

Additional Registrar of Trade Unions,

Principal Labour Union,

D.M.S. Campus, Teynampet,

Chennai - 8.

... Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 12.08.2016 in Ref.No.A3/0828/16 on the file of the respondent, quash the same and consequently direct the respondent to restore the registration of the petitioner Union with its Registration No.*10.MDS/1965 by accepting the annual returns relating to the year 2011 to 2015 and to continue to receive the periodical returns.

For Petitioner : Mr.C.Mahendran

For Respondent : Mr.P.V.Selvakumar,
Additional Government Pleader

ORDER

The petitioner is stated to be a registered Association recognised by the Government from 1965 onwards. By the impugned order, the registration was cancelled on the premise that the petitioner has not filed the annual return.

2.Learned counsel appearing for the petitioner would submit that the petitioner has since filed the requisite annual return. Taking note of the fact that the petitioner is a registered

Association recognised by the Government from 1965 onwards, the issue may reconsidered.

3.This Court finds merit in the submission made by the learned counsel for the petitioner. The cancellation made by the impugned order does not give right to anybody. The facts are not in dispute. There appears to be some laxity on the part of the petitioner, which the petitioner is willing to rectify now. It is only a procedural one.

4.Considering the facts and circumstances of the case, this Court is inclined to set aside the impugned order so as to give an opportunity to the petitioner to produce the records before the respondent for consideration of renewal of registration.

5.Accordingly, the order impugned is set aside and consequently the petitioner is given a further period of eight weeks to comply with all the requisite formalities including Form E for the year 2011 and for subsequent years and the respondent will have to pass necessary orders within a period of two weeks thereafter.

6.In the result, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS V)
Dated : 21.03.2017

***Corrected as per letter given by
Mr.C.Mahendran, Advocate dated 17.04.2017
Sd/- Assistant Registrar(CS II)
Dated : 17.04.2017**

/true copy/

Sub Assistant Registrar

To

The Additional Registrar of
Trade Unions,
Principal Labour Union,
D.M.S. Campus, Teynampet,
Chennai - 8

To be Substituted to the
order already despatched
on 21.03.2017

+1cc to Mr. C. Mahendren, Advocate Sr. 16397

W.P.No.849 of 2017

SKS(CO)
VR(21/03/2017)

CA(17.04.2017)