

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.23388 of 2017  
and W.M.P.No. 24491 of 2017

The Management of  
Kancheepuram Kamatchiamman  
Co-operative Spinning Mills Ltd.,  
Rep. by Official Liquidator,  
Kancheepuram - 631 531. ... Petitioner

Vs.

1. M.Neelakandan  
2. The Presiding Officer,  
II Additional Labour Court,  
Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, to call for the records relating to the impugned order dated 27.01.2017 passed by the second respondent herein in C.P.No.10 of 2014 and to quash the same.

For Petitioner : Mr.R.Bala Ramesh

For Respondents : Mr.K.Elango

सत्यमेव जयते  
O R D E R

This writ petition has been filed by the Official Liquidator representing the Management of Kancheepuram Kamatchiamman Co-operative Spinning Mills Ltd. The Second Additional Labour Court, Chennai, in C.P.No.10 of 2004, has quantified the amount payable (money value due to the petitioner from the Management of Kancheepuram Kamatchi Amman Co-operative Spinning Mill) to the extent of Rs.3,96,320/-. This order is under challenge by the Official Liquidator.

2. It is alleged that due to non-functioning of Kancheepuram Kamatchiamman Co-operative Spinning Mills Ltd. for

a period of ten years and therefore, it has been liquidated with effect from 24.12.2012, invoking the provisions of Section 137 (1) of Tamil Nadu Co-operative Societies Act 1983. However, the learned counsel appearing for the Official Liquidator would submit that very same defence has already been taken in the C.P. Proceedings, but, it has not been accepted. Therefore, it is enough, if direction is given to the workman to approach the Official Liquidator for disbursement of the amount, instead of filing Execution Petition. This contention is found to be correct.

3. There is also an undertaking on the side of the workman that the workman will approach the Official Liquidator.

4. Recording the said undertaking, the writ petition is disposed of with a direction to the workman to approach the Official Liquidator. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Presiding Officer,  
II Additional Labour Court,  
Chennai.

2. The Official Liquidator,  
Rajaji Salai, Chennai.

+1cc to Mr.K.Elango, Advocate, S.R.No. 75362

WEB COPY

W.P.No.23388 of 2017

PPA(CO)  
GN(02/11/2018)