

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.No.18061 of 2003
and
WPMP No.22542 of 2003

Sugantha Mills,
Rep. by its Managing Partner,
Mr.R.Balasundaram,
4/111, Pethanaickenpalayam,
Pongalur Post, Punjai Puliamatti,
Avinashi Taluk, Coimbatore District. ...Petitioner

vs

- 1.Union of India,
Rep. by its Secretary to Government,
Ministry of Labour, New Delhi.
- 2.The State of Tamil Nadu,
Rep. by Secretary to Government,
Labour Department, Fort St.George,
Chennai 600 009.
- 3.The Chief Inspector of Factories,
Chepauk, Chennai 600 005. ...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of declaration to declare Section 66 of the Factories Act 1948 as arbitrary and unconstitutional and void in so far as the petitioner is concerned.

For petitioner : Mr.N.Manoharan
For Respondents: Mr.K.Gunasekar for R1
ACGSC
Mr.S.Kamalesh Kannan for R2 and R3
Government Advocate

O R D E R

The writ petition has been filed for declaration to declare Section 66 of the Factories Act 1948 as arbitrary and unconstitutional and void in so far as the petitioner is concerned.

2. Heard Mr.N.Manoharan, learned counsel for the petitioner, Mr.K.Gunasekar, learned ACGSC appearing for the first respondent and Mr.S.Kamalesh Kannan, learned Government Advocate appearing for the second and third respondents.

3. Mr.S.Kamalesh Kannan, learned Government Advocate appearing for the second and third respondents submits that this Court in the case of R.Vasantha vs. Union of India, [2001-2- LLJ 843], has declared Section 66 (1) (b) of the Factories Act, 1948 as unconstitutional as it is violative of Articles 14, 15 and 16 of the Constitution and that the Appeal filed by the State against the said judgment before the Division Bench of this Court has been subsequently dismissed as withdrawn.

4. Accordingly, this writ petition is disposed in terms of the judgment in W.P.Nos.4604 to 4606 of 1999, etc., batch [Smt.R.Vasantha vs. Union of India, [2001-2- LLJ 843]] passed by this Court. The connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vri

To

1.Union of India,

Rep. by its Secretary to Government,
Ministry of Labour, New Delhi.

2.The State of Tamil Nadu,

Rep. by Secretary to Government,
Labour Department, Fort St.George,
Chennai 600 009.

3.The Chief Inspector of Factories,

Chepauk, Chennai 600 005.

+1 CC to Mr.N.Manokaran, Advocate sr 45539

+1 CC to Mr.K. Gunasekar, Advocate sr 45900.

W.P.No.18061 of 2003

SP(01/08/2018)