

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 09.02.2018****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.6572 of 2016****and****W.M.P. (MD) No.5675 of 2016**

- 1.S.Venkatasubramanian
- 2.M.Nagarajan
- 3.V.Senthilkumar
- 4.S.Nagendran
- 5.Ganesan
- 6.Ramaiah
- 7.R.Neelamegam

... Petitioners

Vs.

1. The Joint Commissioner of Labour,
Housing Board Office,
Ellis Nagar, Madurai - 1.
2. The Management of Ayyappan
Textiles Ltd.,
Achundanvayal Village,
Ramanathapuram District.
3. The Managing Director,
M/s.Srinidhi Industries Ltd.,
Achundanvayal Village,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take appropriate action against the 3rd respondent from selling/alienating the mill's property without settling all the statutory benefits such as gratuity, bonus, EPF and back wages due on payable to the petitioners at an early date.

For Petitioner : Mr.M.Mohan Gandhi

For Respondents : Mr.J.Gunaseelan Muthian, AGP for R1
Tapal returned for R2
Mr.M.E.Ilango for R3

**ORDER**

The petitioners are workmen, who were employed in the second respondent mill. The said mill had fallen sick. The third respondent had taken over the second respondent mill. The grievance of the petitioners is that without settling their claims, the management is intending to alienate the assets. They therefore want the first respondent to restrain the third respondent from doing so.

2.The learned counsel for the third respondent would submit that the assets have since been alienated and that nothing survives for adjudication.

3.This Court taking note of the said submission must observe that the first respondent will not have any power or jurisdiction to restrain the third respondent from alienating their assets. There is no merit in the writ petition.

4.The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Commissioner of Labour,
Housing Board Office,
Ellis Nagar, Madurai - 1.

+ 1 cc TO Mr.S.M.Mohan Gandhi , Advocate in SR No. 47654

+ 1 cc TO Mr.M.E.Ilango , Advocate in SR No. 47775

Arul

AE/RSK/SAR1/02.05.2018/2P/4C

W.P(MD)No.6572 of 2016

and

W.M.P. (MD) No.5675 of 2016

09.02.2018