

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18-11-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10224 of 2012

And

M.P.No.1 of 2012

The Parry Agro Industries Ltd.,
Estates' Administration Office,
Iyerpadi Post 642 108,
Coimbatore District
Represented by Authorised Signatory.

.... Petitioner

vs.

The Inspector of Plantations,
Valparai,
Coimbatore District.

.... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Prohibition, prohibiting the respondent from initiating criminal prosecution or any other action against the petitioner based on the communication dated 06.10.2011, bearing No.1102 of 2000.

For Petitioner : Mr.D.Abdullah

For Respondent : Mr.J.Ramesh,
Additional Government Pleader.

O R D E R

The show cause notice issued by the respondent dated 06.10.2011 prompted the writ petitioner to move the present writ petition for the relief to prohibit the respondent from initiating criminal prosecution or any other action against the writ petitioner based on the communication dated 06.10.2011. The said communication reveals that the Inspector of Plantations, Valparai issued a show cause notice, stating that why appropriate legal action for violation of Section 3(1) of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 should not

be taken against them and further, directed the writ petitioner to submit their explanations, within a period of seven days.

2. Even the said show cause notice is not under challenge in the present writ petition. However, the show cause notice itself can be challenged only if the same is in violation of the Statutory Rules in force or issued by an authority having no jurisdiction. However, the present writ petition is filed for a direction not to initiate criminal prosecution or any other action against the writ petitioner. Such a general relief cannot be granted under Article 226 of the Constitution of India, if at all, the writ petitioner has to submit their explanations / objections with reference to the show cause notice.

3. Contrarily, the present writ petition is filed under an omnibus prayer, cannot be entertained at all. The writ petitioner seeks a direction not to initiate criminal prosecution or any other action. Therefore, it is to be construed that the writ petitioner has not established a definite course or legal right, so as to grant the relief as such sought for in the present writ petition.

4. Accordingly, the present writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn
To

The Inspector of Plantations,
Valparai,
Coimbatore District.

+1cc to Mr.D.Abdullah, Advocate Sr.96100
+1cc to the Government Pleader Sr.96596

W.P.No.10224 of 2012

sj[co]
srg 17/12/2019