

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.20239 & 20240 of 2005

and

W.M.P.Nos. 22078 & 22079 of 2019

Tamil Nadu Weights and Measures
Manufacturers, Dealers and
Repairers Association,
A Society registered as Society No. 61/1982,
represented by its President,
K.R.Rajendran,
No. 42/1, Mahal Second Street,
Madurai - 625 001.

..Petitioner
in both petitions

Vs.

1.The Secretary to the Government,
Department of Labour and Employment,
Government of Tamil Nadu,
Fort St. George
Chennai - 600 009.

2.The Commissioner of Labour,
Department of Labour and Employment,
Government of Tamil Nadu,
Anna Salai,
Chennai - 600 006.

3.The Controller of Legal Metrology,
Anna Salai,
Chennai - 600 006.

.. Respondents
in both petitions

PRAYER in W.P.No. 20239 of 2005: Writ Petition filed under Article 226 of the Constitution of India praying to issue the Writ of certiorari calling for records relating to the Government Letter No.3225/G1/92-93 dated 01.04.1993, as extracted in the Circular Memorandum No. N1/5532/93 dated 04.05.1993 on the file of the third respondent herein and to quash the same in so far it related to the levy of Rs.10/- as charges for each user.

PRAYER in W.P.No.20240 of 2005: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare the Rule 17(2) of the Tamil Nadu Standards of Weights and Measures (enforcement) Rules 1989, as amended by G.O.Ms.No. 2(D) No. 73 Labour and Employment Department, Government of Tamil Nadu, prescribing the fee at Rs.100/- as ultravirus, illegal and arbitrary.

For Petitioners
in both petitions:Mr.P.Raja

For Respondents
in both petitions:Mr.N.Sakthivel
Additional Government Pleader

C O M M O N O R D E R

Writ Petition No.20239 of 2005 has been filed challenging the Government letter dated 01.04.1993, as extracted in Circular Memorandum No.N1/5532/93, dated 04.05.1993 and Writ Petition No.20240 of 2005 has been filed to declare that Rule 17(2) of the Tamil Nadu Standards of Weights and Measures (Enforcement) Rules 1989, as amended by G.O.Ms.2(D) No.73 Labour and Employment Department, Government of Tamil Nadu.

2. The petitioner in both these writ petitions is one and the same. The petitioner is Tamil Nadu Weights and Measures Manufacturers, Dealers and Repairers Association, which is a society registered under the Societies Registration Act, 1975. The petitioner/association had been formed to take interest on the weighing machine manufacturers, dealers, repairers, to encourage them in all their endeavors by giving them expertise information etc., and also to provide finance, by giving them a minimum rate of interest to nourish the weaker sections, in this industry etc.,

3. The manufacture, sale and use of the weights and measures are regulated by the Standards of Weights and Measures (Central) Act No.60 of 1976 and also the various Rules framed under the said Act.

4. The grievances of the writ petitioner/association are that the members of the association are mostly aggrieved by the demand made by the respondents 2 and 3 in relation to certain fees payable to the Stamping Inspectors, when they come over for the purpose of verification and stamping the machineries, on the strength of the Circular Memorandum dated 01.04.1993, issued by the first respondent demanding a sum of Rs.100/-, at present, on

the basis of the amendment brought to the Rules framed under the Standards and Weights and Measures (Enforcement) Act, 1985.

5. It is pertinent to note that the writ petition is filed to challenge the circular issue on 01.04.1993 as extracted in Circular Memorandum No. N1/5532/93, dated 04.05.1993. The said circular was in force and the writ petition was filed on 17.06.2005, after the lapse of about 12 years from the date of issuance of the impugned Government letter.

6. This apart, the learned Additional Government Pleader brought to the notice of this Court that amendment was issued in G.O.Ms.No. 2(D) No.73 Labour and Employment, dated 07.12.2004 amending in the Tamil Nadu Standards and Weights and Measures (Enforcement) Act, 1985. The Rules were amended and various charges underwent many changes. On account of effluxed on time, the grievances of the members of the writ petitioner/association deserves no merits of adjudication.

7. This Court is of the considered opinion that if at all any other grievance existed for the writ petitioner/association or its members, they are at liberty to redress the same by following the procedures contemplated or by approaching the competent authority in this regard. As far as the present writ petition is concerned, the Circular Memorandum No.5532/93 in the Government letter was challenged in the year 2005 after a lapse of twelve years and at this length of time, the said Government letter lost its significance and reliefs on account of the subsequent amendment as well as the subsequent Government order passed revising the rates in respect of the fee payable to the Stamping Inspector etc.,.

8. This being the factum, no further adjudication is required in respect of the grounds raised in the present writ petitions and accordingly, the writ petitions stand disposed of. No costs. Connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

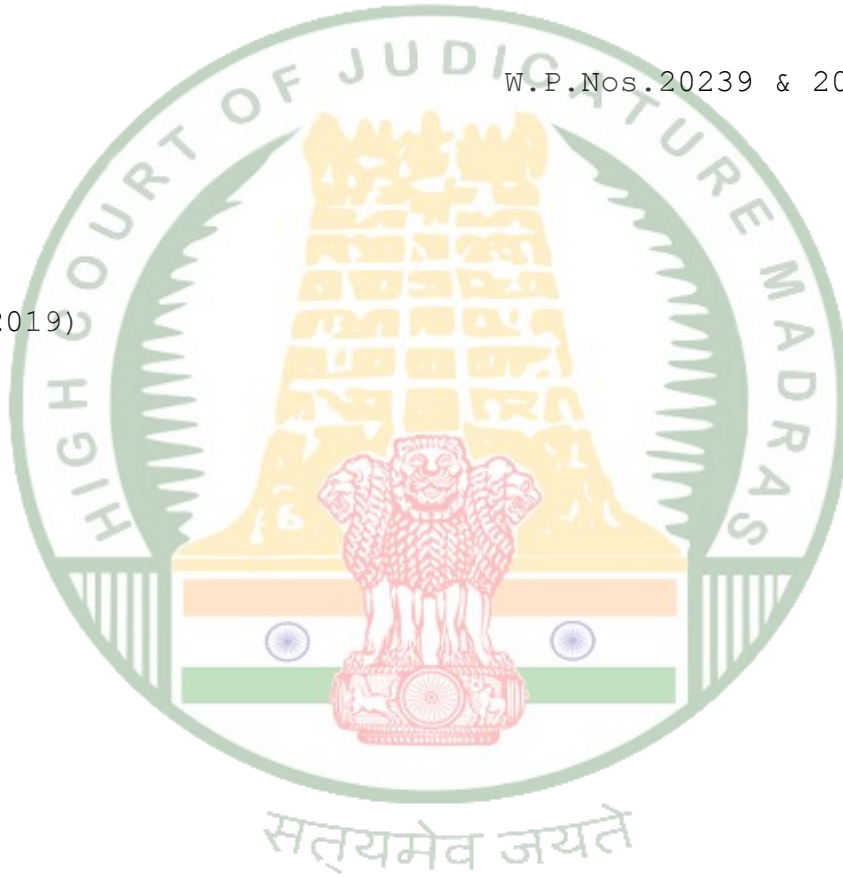
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PP (CO)
SP(24/10/2019)



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