

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17193 of 2019

A.Krishnamoorthy

...Petitioner

vs.

1. The Registrar of Trade Unions/
The Deputy Commissioner of Labour-1,
O/o.The Registrar of Trade Unions,
D.M.S.Complex,
Teynampet, Anna Salai,
Chennai-600 006.
2. The Commissioner of Labour
D.M.S.Complex,
Teynampet, Anna Salai,
Chennai-600 006.
3. D.S.R.Subbiah
State President,
Tamil Nadu Union of Journalists,
No.77, 2nd Floor, SBI Colony,
3rd Street, Virugambakkam,
Chennai-600 092.
4. V.E.S.George,
State President,
Tamil Nadu Union of Journalists,
No.25, 2nd Floor, Corporation Commercial Complex,
Rotler Street, Choolai,
Chennai-600 112.
5. P.S.D.Purushothaman,
State President,
Tamil Nadu Union of Journalists,
No.133(old 93), Sydenhams Lane,
(Opp.Nehru Indoor Stadium Main Gate No.1)
Periyamet, Chennai-600003.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider the representation dated 12.06.2019 made to the respondents 1 and 2 to withdraw or cancel the Certificate of Registration of the Tamil Nadu Union of Journalists with Registration No.2016/MDS-90 or to regularize the mismanagement of the Union.

For Petitioner : Mr.V.Karnan

For Respondents: Mr.J.Ramesh
Additional Government Pleader

for RR1&2
Mr.R.Sudhakar
for R3.

Mr.T.N.Sugesh
for R5.
Non-appearance for R4.

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents 1 and 2 to consider the representation dated 12.06.2019.

2. This disposal of the representation 'mantra' cannot be issued in a routine manner by the High Courts. Issuance of such direction would do no service to the cause of justice. The litigant is back again to the court. Therefore, only in the event of establishing a legal right, such directions can be issued, if there is a statutory obligation on the part of the authorities competent to issue any such order. As far as the present writ petition is concerned, the representation submitted by the writ petitioner reveals that three persons are claiming to be the State President of the Tamil Nadu Union of Journalists, which is a registered union under the Trade Unions Act, 1926. The Registrar of the Trade Union cannot decide the status of the person as a State President or not. Such a declaratory relief cannot be considered by the Registrar of Trade Union under the provisions of the Trade Union Act.

3. The learned counsel appearing for the 5th respondent brought to the notice of this Court that already a civil suit is filed by the respective parties before the City Civil Court in O.S.No.5435 of 2014. Under these circumstances, all the parties

are at liberty to approach the City Civil Court in the said suit or by filing an appropriate application or a separate suit for the purpose of redressing their grievances in this regard. Contrarily, the High Court cannot issue any such direction as such sought for in the present writ petition under Article 226 of the Constitution of India. Thus, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

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- +1 CC to Mr.V.Karnan, Advocate sr 94521.
+1 CC to Mr.R.Rengaramanujam, advocate sr 94486

W.P.No.17193 of 2019

CP(CO)
SP(09/12/2019)