



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.35170 OF 2019

Desiya Panchalai Kazhaga Thozhilnutpa
Mattrum Nirvaga Paniyalargla Munnetra
Sangam, Reg. No. 1328, Covai,
Represented by its General Secretary
S.Parthasarthy,
No.134/158, Pankajamailis Colony,
Ramanathapuram, Coimbatore - 641 045.

...Petitioner

-Vs-

1. Union of India,
Represented by its Secretary,
Textiles Ministry,
Government of India,
New Delhi - 110 001.
2. The Chairman,
The National Textile Corporation Ltd,
Core IV Scope Complex,
7, Lodhi Road, New Delhi - 110 003.
3. BIFR (Board for Industrial and
Financial Reconstruction),
9th Floor Annexe,
Jawahar Vyapar Bhawan,
New Delhi - 110 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to take appropriate steps for the revival of the textile mills under the control of the National



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Textile Corporation wherein nearly 1.5 Lakh employees including the members of petitioner Union are on the verge of losing their livelihood based on the various representations dated 24.11.2014, 20.05.2015 and 08.02.2016 made to the 2nd respondent and the representations dated 20.07.2016, 25.12.2016 and 30.09.2019 made to the 1st respondent.

For Petitioner : Mr.R.Viduthalai, Sr. Advocate
for Ms.R.Revathy

For R2 : Mr.R.Sivakumar
for M/s.K.M.Vijayan Associates

For R1 : No Appearance

For R3 : Not ready in notice

ORDER

The petitioner herein had given various representations to the first and second respondents to take appropriate steps for revival of the textile mills under the control of the National Textile Corporation. Since the representations were not considered, the present writ petition has been filed.

2. It is needless to point out that whenever representations of this nature are made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representations given by the petitioner dates back to the years 2013 to 2019, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents 1 and 2 to consider the same.



4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents 1 and 2 ventilating their grievances. On receipt of the same, the respondents 1 and 2 shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of 3 months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

hvk/ata

To

1. The Secretary,
Union of India,
Textiles Ministry,
Government of India,
New Delhi - 110 001.
2. The Chairman,
The National Textile Corporation Ltd,
Core IV Scope Complex,
7, Lodhi Road, New Delhi - 110 003.
3. BIFR (Board for Industrial and
Financial Reconstruction),
9th Floor Annexe,
Jawahar Vyapar Bhawan,
New Delhi - 110 001.

+1cc to Ms.R.Revathy, Advocate, S.R.No.54126

+1cc to M/s.K.M.Vijayan Associates, Advocate, S.R.No.54146

W.P.No.35170 of 2019

SSV(CO)

RLP(02/11/2021)