



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

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THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.19515 of 2020

M/s. World Star Sports & Casual Wears
represented by its Proprietor,
C. Ramesh Kumar,
S/o. N. Chellian,
23-C.S.I., Shopping Complex,
Main Road, Marthandam,
Kanniyakumari - 629 165.

... Petitioner

Vs.

1. The Joint Director,
Sub Regional Office,
E.S.I. Corporation,
Municipal Shopping Complex,
Salai Street, Sindupoonthurai,
Tirunelveli - 627 001.

2. The Deputy Director,
Sub Regional Office,
E.S.I. Corporation,
Tirunelveli - 627 003.

3. The Branch Manager,
E.S.I. Corporation,
11/50A, Main Road,
Kuzhithurai - 629 163.

4. The Inspector,
E.S.I. Corporation,
No.13A, S.L.B. South Road,
Nagarcoil - 629 001,
Kanniyakumari District.

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the 2nd respondent to take appropriate action by deciding the issue that the petitioner is different from "M/s. World Star Sports & Casual" by considering the petitioner's representation dated 21.11.2020 within a time



stipulated by this Court.

For Petitioner : Mr.R.Maheswaran

O R D E R

WEB COPY This writ petition has been filed for issuance of writ of mandamus, directing the 2nd respondent to take appropriate action by deciding the issue that the petitioner is different from "M/s. World Star Sports & Casual" by considering the petitioner's representation dated 21.11.2020 within a time stipulated by this Court.

2.By considering the limited scope of prayer sought for in this writ petition, notice to the respondents is dispensed with.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The grievance of the petitioner is that he had earlier started small scale industry in the name and style of "M/s.World Star Sports & Casual", which came to be closed in the year June 2008. The industry was subjected to form C-11 by the E.S.I. Corporation. After the closure, the petitioner had opened a new shop in the name and style of "M/s.World Star Sports & Casual Wears". According to the learned counsel for the petitioner, "M/s.World Star Sports & Casual Wears" is a separate entity and it has nothing to do with "M/s.World Star Sports & Casual", which was already closed. As such, the respondents are not justified in taking into account the earlier shop namely "M/s.World Star Sports & Casual" into consideration for the purpose of making any further progress in the proceedings under the E.S.I. Act. In this connection, the petitioner had given a representation dated 21.11.2020, to the second respondent herein and since the representation has not been considered till date, the present writ petition has been filed.

5.In my view, the representation is self explanatory ventilating the grievance of the petitioner and that the second respondent would be the proper Authority to consider the same. Hence, this Court would not be justified in stepping into the shoes of the second respondent for the purpose of considering the representation. However, if the second respondent is permitted to consider the representation within a stipulated time, the petitioner's grievance could be met and thereby the ends of justice could be secured.

6.In the light of the above observations, there shall be a direction to the second respondent to consider the representation of the petitioner dated 21.11.2020, on his own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of the order.



7.This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1.The Joint Director,
Sub Regional Office,
E.S.I. Corporation,
Municipal Shopping Complex,
Salai Street, Sindupoonthurai,
Tirunelveli - 627 001.

2.The Deputy Director,
Sub Regional Office,
E.S.I. Corporation,
Tirunelveli - 627 003.

3.The Branch Manager,
E.S.I. Corporation,
11/50A, Main Road,
Kuzhithurai - 629 163.

4.The Inspector,
E.S.I. Corporation,
No.13A, S.L.B. South Road,
Nagarcoil - 629 001,
Kanniyakumari District.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-25 [F] dated 04/01/2021)

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