



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.1312 of 2014

and

M.P. (MD)No.1 of 2014

WEB COPY

B.Bhimraj ... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Police,
Madurai District, Madurai.

3.Madurai Nagar Vahana Sumai Paniyalar Sangam,
represented by its President K.Ganesan,
Madurai - 625 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents Nos.1 and 2 to forbear the third respondent and its members from interfering with the loading and unloading of goods at the office of the petitioner using the load men on his choice by considering his representation, dated 13.06.2013.

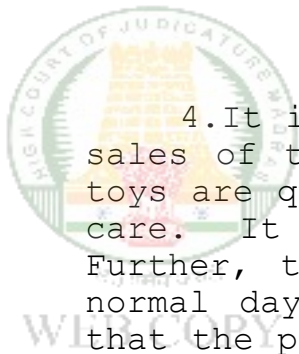
For Petitioner	:Mr.Jerin Mathew for M.M.E.Ilango
For R1 and R2	:Mr.S.Shanmugavel Additional Government Pleader
R3	: No Appearance

O R D E R

Heard Mr.Jerin Mathew, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents 1 and 2.

2.The Writ Petition is pending from the year 2014. There is already an order of interim injunction as against the third respondent.

3.The grievance of the petitioner is that the third respondent/Madurai Nagar Vahana Sumai Paniyalagar Sangam, which was represented by its President, K.Ganesan, in the represented capacity, are said to be interfering with the loading and unloading of goods by the Writ Petitioner. The petitioner is now seeking the right to appoint the load men of their choice for that purpose.



4.It is stated by the petitioner that petitioner is engaged the sales of toys imported from China. It is further stated that the toys are quite costly and fragile and also have to be unloaded with care. It also requires skilled workers in discharge of such work. Further, the third respondent appears to have interfered with the normal day-to-day functioning of the petitioner herein by stating that the petitioner cannot utilise the service of load men on their own choice.

5.After hearing the learned Counsel for the petitioner, it is quite clear that the third respondent is indulging in activities, which can be termed as an offence and are violating the law. The petitioner, as a businessman, has every right to appoint load men to load and unload whatever the goods he imports or transports from one place to another place. There cannot be a direction or threat from anybody and in this case, from the third respondent that only the load men, who are under the third respondent, should be used by the petitioner for discharging such work. If ever, the petitioner does not pay the work man properly or if there is a complaint by any of the load man appointed by the petitioner, even then such load man alone can issue notice against the petitioner. But, there cannot be a threat from the third respondent in this case.

6.In view of all these reasons, it is only appropriate that a direction is given as against the third respondent not to interfere with the normal day-to-day functioning of the petitioner herein.

7.The Writ Petition is disposed of with the said direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Police,
Madurai District, Madurai.

+1 CC to M/s.M.E. ILANGO, Advocate (SR-34537[F] dated 15/11/2021)

Order made in

W.P. (MD)No.1312 of 2014

12.11.2021

KMV (CO)

GC(14.12.2021) 2P 4C

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