



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD)No.5520 of 2020

and

W.M.P (MD)No.4831 of 2020

Dindigul Maavatta Paper Mills,
Thozhilalar Sangam - AITUC,
Represented by its District Secretary,
No.30/13, Scheme Road,
Dindigul - 624 003.

... Petitioner

Vs

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

2.The Deputy Commissioner of Labour,
Office of the District Collector,
Velunatchiyar Complex,
Dindigul - 4.

3.The Management,
Represented GMJ Paper and Boards Private Limited,
Midappadi,
Muthunaickanpatti Post,
Palani Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to initiate criminal prosecution against the third respondent for having sold their paper and board mill, without getting prior permission from the first respondent either on their own or by authorising the petitioner's Union and direct the third respondent not to sell or create any charge or encumbrance over the properties of the third respondent Mill till the dispute is pending on the file of the first respondent is either adjudicated or settled in the manner known to law award costs.



For Petitioner : No representation
For Respondent : Mr.P.T.Thiraviam,
Nos.1 and 2 Government Advocate
For Respondent : Mr.T.Ravichandran
No.3

WEB COPY

ORDER

This writ petition has been filed for a direction to initiate criminal proceedings against the third respondent for selling their properties.

2. There is no representation for the petitioner. The learned Government Advocate appearing for the respondents raised preliminary objection with regard to the maintainability of this writ petition. The learned Government Advocate further submits that as per the provisions of the Industrial Disputes Act, the Government has already issued a Government Order in G.O.D.No.279, Labour and Employment Department dated 02.06.2020 referring the issue to the Labour Court, Tiruchirappalli and the matter is now pending before the Labour Court, Tiruchirappalli. The respondents have also filed a counter affidavit in this regard.

3. The learned Counsel for the third respondent submits that the third respondent is the owner of the property and he cannot be prevented from selling his property.

4. In view of the issuance of the Government Order in G.O.D.No.279, Labour and Employment Department dated 02.06.2020 referring the issue to the Labour Court, Tiruchirappalli, this Court is not inclined to entertain this writ petition and if at all the petitioner is having any grievance, it is for him to workout his remedy before the Labour Court in the manner known to law.

5. In the result, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

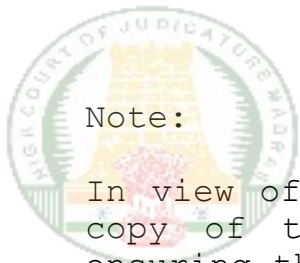
Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar (CS)

dsk



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 Secretary,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.
- 2.The Deputy Commissioner of Labour,
Office of the District Collector,
Velunatchiyar Complex,
Dindigul - 4.

+1 CC to M/s.SPL.GP (SR-4205[F] dated 04/02/2022)

W.P (MD) No.5520 of 2020
03.02.2022

RK(03/03/2022) 3P 4C