



W.P.No.36716 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.36716 of 2016

and

W.M.P.No.31559 of 2016

M/s.Maruthi Textiles,
Rep. by its Proprietor Mr.Subramanian,
Kolathupalayam,
Dharapuram Taluk,
Tiruppur District.

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office, Tharapuram, Tiruppur District.

2.The Deputy Labour Commissioner,
Remuneration Disbursement,
Legal Regulatory Officer,
Madurai.

3.Chandrasekaran

4.M/s.The Mahalakshmi Textiles Mills Ltd.,
Pasumalai,
Madurai – 625 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to order dated 08.09.2016 issued by the 1st respondent and quash the same.



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For Petitioner : Mr.S.Sethuraman

For Respondents : Mr.V.Ravi
Special Government Pleader [R1 & R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records pertaining to order dated 08.09.2016 issued by the first respondent and quash the same.

2. The case of the petitioner is that, for non-payment of the gratuity amount, the third respondent filed a claim petition under the Payment of Gratuity Act, 1972, in P.G.No.24 of 2007 on the file of the second respondent and the second respondent passed an order as against the fourth respondent. Thereafter, the Controlling Authority forwarded the same to the District Collector under the Revenue Recovery Act. Pursuant to which, the present destraint order is passed. Challenging the same, the above writ petition is filed before this Court.

3. The learned counsel for the petitioner submits that, in P.G.No.24 of 2007, the second respondent passed an order against the fourth respondent, pursuant to which, the Tahsildar/first respondent has passed the present



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destraint order as against the petitioner, even though the petitioner has nothing to do with the fourth respondent-Mill, which is not sustainable. Accordingly, he prays for allowing the writ petition.

4. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

5. This Court, perused the claim petition in P.G.No.24 of 2007 filed by the third respondent. A perusal of the order passed in P.G.No.24 of 2007 makes it clear that, the third respondent has made claim as against the petitioner as well as the fourth respondent and it is also seen that the petitioner and the fourth respondent are arrayed as party in the said claim petition and the order was passed against them. Unless the order dated 31.07.2002 passed in P.G.24 of 2007 is set aside in the manner known to law, the grievance expressed by the petitioner in this writ petition cannot be considered. It is pertinent to note that, based on the certificate issued by the District Collector, the present restraint order dated 08.09.2016 is passed by the first respondent, hence, the same cannot be interfered with. Therefore, the prayer sought for in the present writ petition cannot be granted and the writ petition is liable to be dismissed.



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M.DHANDAPANI, J.

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6. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Tahsildar,
Taluk Office,
Tharapuram, Tiruppur District.
- 2.The Deputy Labour Commissioner,
Remuneration Disbursement,
Legal Regulatory Officer,
Madurai.

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