



WEB COPY



W.P.Nos.38844 and 38845 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.38844 and 38845 of 2016

And

W.M.P.Nos.33297 and 33298 of 2016

Suvisedagan Aruliah

... Petitioner in both the W.Ps.

Vs.

Assistant Labour Inspector,
Coonoor,
Nilgiris District.

... Respondent in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the respondent in Na.Ka.Nos.308 and 309 of 2016 respectively, dated 02.08.2016 and quash the same.

For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge
For Respondent : Mr.M.Prem Kumar
Government Advocate

COMMON ORDER

The petitioner has filed these writ petitions seeking issuance of Writ of Certiorari to call for the records on the file of the respondent in Na.Ka.Nos.308 and 309 of 2016 respectively, dated 02.08.2016 and to quash the same.

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2.Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

3.The case of the petitioner is that the petitioner is the Executive Director of Innovative Microfinance for Poverty Alleviation and Community Transformation, which is a charitable organisation registered under Section 25 of the Companies Act, 1956 with effect from 15.03.2004. Aggrieved by the compounding/ show cause notices issued by the respondent, to compound the offences alleged to have been committed by the petitioner under the Tamil Nadu Shops and Establishments Act, 1947, the petitioner has filed these writ petitions.

4.The learned counsel appearing for the petitioner submitted that the petitioner has submitted detailed reply to the show cause notices issued by the respondent, however, the petitioner is not amenable to the jurisdiction of the respondent. The petitioner is not a industry coming under the jurisdiction of Tamil Nadu Shops and Establishments Act, 1947 as well as Tamil Nadu Industrial Establishments Public Holidays Act, 1958. However, without jurisdiction, the impugned show cause notices have been issued by the



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respondent. Hence, this Court may grant liberty to the petitioner to approach the respondent by way of written representation and may issue direction to the respondent to consider the same and to pass appropriate orders, within a reasonable time frame.

5.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case and without interfering with the impugned show cause notices, permits the petitioner to make representation to the respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent shall consider the same, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of the representation.

6.The writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

12.07.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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M.DHANDAPANI,J.
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To

Assistant Labour Inspector,
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And
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