



W.P.No. 23775 of 2028

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.01.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P.No. 23775 of 2018**

Tamil Nadu Press and Media Reporters Union,  
Represented by its founder and president,  
Mr. M. Divan Mydeen, DME.,  
Saidapet, Chennai -600 015

... Petitioner

Vs

1. The Commissioner of Labour,  
The Labour Commissioner Office,  
D.M.S. Complex, Teynampet,  
Chennai – 600 006.
2. The Principal Secretary,  
Government of Tamil Nadu,  
Secretariat,  
Chennai – 600 009.
3. The Director General of Police,  
Radhakrishnan Salai,  
Mylapore, Chennai.
4. The Commissioner of Police,  
No. 132, Commissioner office building,  
EVK Sambath Road, Vepery,  
Chennai – 600 007.
5. The Deputy Commissioner of Police,  
Adyar Police Station, Adayar,  
Chennai – 600 020.



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6. The Inspector of Police (L&O),  
Saidapet Police Station,  
Saidapet, Chennai – 600 015.
7. The Inspector of Police (Crime),  
Saidapet Police Station,  
Saidapet, Chennai – 600 015.
8. The Additional Registrar,  
Trade Union I, DMS Complex,  
Teynampet,  
Chennai – 600 018
9. The Joint Commissioner of Labour I,  
DMS Complex,  
Teynampet,  
Chennai – 600 018.
10. Mr. Sivatamilavan ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of mandamus, directing the first respondent to take necessary action on petitioner representation dated 24.04.2018 against the 10<sup>th</sup> respondent running same name style "Tamilnadu Press and Media Reporters Union" like petitioner union.

For the Petitioner : Mr. A. Ramesh Manikandan

For the Respondents : Mr. U. Baranidharan  
Additional Government Pleader



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## **ORDER**

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The writ petition has been filed by Tamil Nadu Press and Media with registration No. 3579/CNI and is represented by its Founder and President.

2. In the writ petition, the relief sought is for a mandamus directing the first respondent, Commissioner of Labour, Labour Commissioner Office, Teynampet, Chennai to take necessary action on a representation dated 24.04.2018 against the 10<sup>th</sup> respondent Sivatamilavan, who incidentally has also categorized himself as the Founder and President of exactly a similar Union also called Tamil Nadu Press and Media Reporters Union but, with Registration No. 2963/CNI.

3. The examination of two registration number alone indicate that the Union of which the 10<sup>th</sup> respondent claims to be the Founder and President had been registered earlier than the Union for which the petitioner claims to be the President and Founder. They have both, for some strange reason chosen the very same name, Tamil Nadu Press and Media Reporters Union. There is no change in any word in the said name.



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4. In the representation dated 24.04.2018, the petitioner herein had sought a direction that the tenth respondent, and another one individual, Perumal are running a similarly named union as that of the petitioner Union and that they are receiving huge money to give recommendations to foreign universities to give doctorate degrees and that they are using the letter pads of the petitioner and issuing identity cards and putting up car stickers. It was therefore stated that necessary action should be taken against the tenth respondent and the said Perumal, who is not a party to the present writ petition.

5. Along with the said Commissioner of Labour, who is the first respondent, the petitioner has also impleaded as 2 to 9 respondents a string of Government Officials including the Principal Secretary to the Government, Director General of Police, Commissioner of Police, Chennai, Deputy Commissioner of Police, Adyar, Chennai, the two Inspectors of Police, at Saidapet, the Additional Registrar of Trade Union at Chennai and the Joint Commissioner of Labour, at Chennai.

6. The tenth respondent appears to have filed O.S.No. 5535 of 2018, which is now pending before the XIII Assistant City Civil Court at



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Chennai. The tenth respondent had filed that particular suit in the name of Tamil Nadu Press and Media Reporters Union and claimed that he is the Founder and President of the said Union. The said suit had been filed against Divan Mydeen the petitioner herein who also claimed to be the Founder and President of Tamil Nadu Press and Media Reporters Union.

7. The tenth respondent and the petitioner herein should realise that if they want to progress further, they cannot have the same name as that would cause only confusion not only to the general public but to themselves as to which Union they are representing. There must be some inclination to have a separate identity and unique identity. They cannot piggy ride on the back of each other and claim that the other is causing a burden. The choice is left to them.

8. For good measure, after the writ petition has been filed, the petitioner herein had also filed two separate suits. The first suit is O.S.No. 6423 of 2018 which has been filed again in the name of Tamil Nadu Press and Media Reporters Union. The relief sought in that particular suit, is for an injunction against the tenth respondent from



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using the name Tamil Nadu Press and Media Reporters Union. In O.S.No. 5535 of 2018 filed by the tenth respondent, the relief sought is for an injunction against the petitioner herein from using the name Tamil Nadu Press and Media Reporters Union. It is thus evidently clear that two separate suits have been filed before the City Civil Court at Chennai and in both of them the petitioner herein and the tenth respondent have asserted their respective rights to use the name Tamil Nadu Press and Media Reporters Union and at the same time have questioned the authority of the other to use the said name. When that issue is pending before the civil Court for consideration, there cannot be any direction issued to any of the statutory officials to pass any direction.

9. The petitioner herein had also filed yet another suit namely O.S.No. 4351 of 2022 again seeking a direction that the tenth respondent herein should not use the name of the said union and should not also conduct elections. All the three suits are pending. There have been orders passed in interlocutory applications and thereafter further orders passed in Civil Miscellaneous Appeals and I am also informed that a Revision has also been filed and is pending before this Court.



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10. In view of the fact that the parties are locked in civil litigation, wherein they will have an opportunity to tender evidence, and to test documents produced in the manner known to law, I am afraid that in this writ petition, no effective orders can be passed. This court can never determine as to which Union should be given preference over the other. This Court can never come to any conclusion that the petitioner Union alone is sacrosanct or that the tenth respondent Union alone is sacrosanct. So far as this Court can decipher, both the names are similar. They are now locked in three separate suits before the City Civil Court, I would handover the privilege and honour to that particular court to decide the entire issue.

11. It is an admitted fact that the suits have been filed after a writ petition have been filed. It is only appreciable that parties have also chosen a separate forum to agitate their issues. Once they have taken a conscious decision to move over to a separate forum, namely the City Civil Court, this Court should also respect such decision taken by them, namely to relegate the writ court to a corner and agitate all the issues before the competent civil court.



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12. The writ petition therefore stands dismissed. No costs.

Consequently, connected writ miscellaneous petition are closed.

13. The fact that the writ petition stands dismissed does not indicate that the rights of the petitioner had been examined by this Court. It is for the competent civil court to examine the rights of the petitioner and the rights of the tenth respondent to use that particular name, namely, Tamil Nadu Press and Media Reports Union.

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Index: Yes/no  
mrn

To

1. The Superintending Engineer,  
Tamil Nadu Electricity Department (TNEB),  
Tirupattur Electricity Distribution Circle,  
No. 7, Balammal Colony,  
Tirupattur District,  
Tirupattur – 635 653.
2. The Executive Engineer,  
Tamil Nadu Electricity Department (TNEB),  
Vengalapuram Post,  
Tirupattur District,  
Tirupattur – 635 653.



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3. The Assistant Executive Engineer,  
Tamil Nadu Electricity Department (TNEB),  
Vengalapuram Post,  
Tirupattur District,  
Tirupattur – 635 653.
4. The Assistant Engineer (O&M/TED),  
TANGEDCO,  
Vengalapuram,  
Tirupattur District,  
Tirupattur – 635 653.



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**C.V.KARTHIKEYAN, J.**  
(mrn)

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