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W.P.No.2997 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2024

Coram

The Honourable Mr.Justice D.BHARATHA CHAKRAVARTHY

**W.P.No.2997 of 2006
and W.P.M.P.No.3119 of 2006**

The Management of
General Casting Works,
69, D'Mellows Road,
Perambur Barracks,
Chennai – 600 012.

...Petitioner

Versus

- 1.R.Selvam
C/o.Secretary,
United Labour Union,
State UTUC Office,
No.7, McLean Street,
Chennai – 600 001.
- 2.The Presiding Officer,
II Additional Labour Court,
City Civil Court,
Chennai – 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari calling for records relating to the
award dated 11.07.2005 made in I.D.No.683 of 1998 on the file of the II
Additional Labour Court at Chennai.



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For Petitioner : Mr.T.Sathya
for Mr.S.Mahimai Raj
For Respondent – 1 : No Appearance
For Respondent – 2 : Labour Court

ORDER

Today, when the matter came up for hearing, learned counsel appeared on behalf of the petitioner submitted that the petitioner management was originally run by one Mr.Boopalan, Managing Partner, but, now, he is no more. He further submitted that after the demise of petitioner's Managing Partner, there is no instruction from the side of the petitioner to conduct the case. He has filed a Memo dated 11.11.2024 before this Court, wherein, it is stated that the petitioner had filed another writ petition in W.P.No.3205 of 2006 before this Court; when the said petition was taken up for hearing on 06.08.2021, the counsel for the petitioner had filed a Memo dated 27.07.2021 stating that he has no instruction to proceed with the case and hence, this Court had recorded his submission and closed the said W.P.No.3205 of 2006. Therefore, the learned counsel prayed that the Memo dated 11.11.2024 filed by him may be recorded and this writ petition may be closed. The said Memo reads as follows:



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“1. It is submitted that the petitioner herein has preferred the above writ petition for certiorari before this Hon'ble Court as against the Award dated 11.07.2005 made in I.D.No.683 of 1998 on the file of the II Additional Labour Court at Chennai.

2. It is pertinent to submit that the petitioner herein preferred another Writ Petition in W.P.No.3205 of 2006 on the file of this Hon'ble Court as against the respondents therein viz., G.Venkatesan and another, praying to set aside the Award dated 11.07.2005 made in I.D.No.682 of 1998 on the file of the II Additional Labour Court at Chennai;

3. It is submitted that counsel for the petitioner had sent a Registered Letter to Mr.Boopalan, Managing Partner of the petitioner herein requiring the necessary instructions for proceeding with the above matter i.e., W.P.No.3205 of 2006. However, the above Registered Letter was returned with the postal endorsement as follows:- “Addressee Deceased”.

4. It is pertinent to submit that the above said Mr.Boopalan had been prosecuting the above matter all along and in view of his demise, the counsel for petitioner is without any instructions in proceedings with the matter. In view of the above factum, the counsel for petitioner filed a Memo to that effect enclosing the Office copy of the Letter dated 11.04.2018 along with the returned postal cover.

5. It is submitted that when the said connected W.P.No.3205 of 2006 came up for hearing on 06.08.2021, this Hon'ble Court recorded the Memo filed by the counsel for petitioner and passed an order closing the writ petition. A web copy of the said order dated 06.08.2021.



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6. *In view of the above, this Memo is being filed for reporting about the above developments before this Hon'ble Court.*

7. *It is therefore respectfully prayed that this Hon'ble Court may be pleased to record this Memo in the above writ petition in W.P.No.2997 of 2006 on the file of this Hon'ble Court and thus render justice."*

2. The Memo dated 11.11.2024 filed by the learned counsel for the petitioner is recorded.

3. Considering the submissions made by the learned counsel appeared on behalf of the petitioner as well as the Memo dated 11.11.2024 filed by him, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

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Speaking Order (or) Non-Speaking Order

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The Presiding Officer,
II Additional Labour Court,
City Civil Court,
Chennai – 600 104.

D.BHARATHA CHAKRAVARTHY, J.



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