



WEB COPY

W.A.No.3512 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.3512 of 2024
and
C.M.P.No.27257 of 2024

Hivelm Industries,
A5 & 6, Industrial Estate,
Guindy, Chennai – 600 032.

...Appellant

Vs.

1.The Presiding Officer,
1st Additional Labour Court,
Chennai.

2.M.Ravichandran

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the impugned order dated 07.09.2023 passed in W.P.No.26883 of 2005.

For Appellant : Mr.Dharanichandar
For 2nd Respondent: Mr.K.M.Ramesh, Senior Counsel
For Mr.V.Subramani

J U D G M E N T



(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

With the consent of the learned counsel on either side, the Writ Appeal is taken up for final hearing at the admission stage.

2. Heard Mr.K.M.Ramesh, learned Senior Counsel for Mr.V.Subramani, learned counsel appearing for the 2nd respondent.

3. By order dated 07.09.2023 the writ Court had disposed of a batch of writ petitions. As against the said order, several writ appeals were filed. It appears that a batch of Writ Appeals in W.A.Nos.1574 etc., batch of 2024 were allowed by a Division Bench of this Court and the Writ Petitions were remitted to the writ Court with certain directions. The operative portion of the order made in those Writ Appeals reads as follows:-

"13. In the case on hand, the main contention of the appellant/management is that the junior counsel who appeared for the appellant / management before the Writ Court, has erroneously made his submissions without finding out the correct facts regarding the functioning of appellant/management company and the learned Single Judge, based on the submissions of the counsel, after recording the memo regarding no instructions, dismissed



their writ petitions without going into the merits of the matter. In the stated circumstances, the learned Single Judge, ought to have ordered fresh notice to the appellant company to the correct address of the appellant and if the notice found to be returned unserved, he ought to have directed the Registry to print the name of the appellant in the cause list. After printing the petitioner's name in the cause list, he may proceed to dismiss the case for reporting 'no instructions'. Without doing so, the learned Single judge simply dismissed the writ petitions filed by the Management based on the 'no instructions' report given by the petitioner counsel. Further, there is nothing on record to show that the appellant/management has been previously informed about the date of hearing of the case. In such a view of the matter, We are of the opinion that the order passed by the learned Single Judge is perverse.

14.For the foregoing discussions, We set aside the impugned orders and remand back the matters to Writ Court for adjudicating the matters afresh. The learned Single Judge, shall take the matters for fresh consideration and pass orders on the same on merits and in accordance with law.

15.The Writ Appeals are allowed on the above terms. No Costs. Consequently, the connected Civil Miscellaneous Petitions are closed."



4. Subsequently, few other Writ Appeals came up before the Division Bench consisting of one of us [Hon'ble Mr. Justice C.Kumarappan] on 19.08.2024. Those Writ Appeals were also allowed on the same lines indicated above.

5. This Writ Appeal also forms part of the same batch and part of common order dated 07.09.2023. Hence, following the earlier orders, this Writ Appeal is also **allowed** and the writ petition is remitted to the writ Court for being heard and disposed of afresh on merits. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (C.K., J.)
28.11.2024

dsa

Index : No
Neutral Citation : No
Speaking order



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