



W.P.No.23790 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 09.01.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.23790 of 2021

and

WMP.No.25055 of 2021

Caterpillar India Private Limited,
Earthmoving Equipment Division,
(Represented by: - Authorised
Signatory and Manager of the Factory),
Melnallathur,
Tiruvallur - 602 004.

...Petitioner

Vs

1. The Joint Director of Industrial Safety and Health
Tiruvallur - 602 001.

2. The Tamil Nadu State represented by,
Deputy Director of Industrial Safety and Health,
6/11 and 6/12, IInd Floor, Lalbahadur Sasthri Street,
Periyakuppam,
Tiruvallur - 602001.

...Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the proceedings initiated by the 2nd respondent taken on file by the Chief Judicial Magistrate, Tiruvallur in C. C. No. 268 of 2021 dated 20.09.2021 and quash the same.

For Petitioner : Mr.Haroon-Al-Rashid
for M/s. T.S.Gopalan and Co.

For Respondents : Mrs.Raja Rajeswari
Government Advocate

ORDER

Writ petition is filed challenging the proceedings of the 2nd respondent dated 20.09.2021 in C.C.No. 268 of 2021.

2. It is submitted by the learned counsel for the petitioner that earlier an order was passed by the 1st respondent on 26.08.2021 and the same was challenged before this Court in W.P.No.19657 of 2021. The writ petition was allowed remitting the matter for fresh consideration. The respondent without complying with the said order initiated criminal proceedings



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which is impugned in this writ petition.

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3. It is seen that earlier an order dated 26.08.2021 was passed by the 2nd respondent and the same was challenged by the petitioner before this Court in W.P.No.19657 of 2021 on the ground of non-consideration of his explanation to the show cause notice. This Court in W.P.No.19657 of 2021 dated 16.09.2021 passed the following order:

“6. In the light of the above observations, the impugned order dated 26.08.2021 is quashed and the matter is remitted back to the respondent herein for reconsideration. While doing so, the respondent herein shall consider all the objections put forth by the petitioner in his reply dated 16.07.2021 and 30.08.2021 and thereafter take further course of action and in case any order is passed therein, such an order shall be a speaking order.”



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4. It is clear from the above order that the 2nd respondent could initiate further action only after considering the petitioner's objections. The 2nd respondent without complying with the above order of this Court initiated criminal prosecution against the petitioner which was taken on file by the Chief Judicial Magistrate, Tiruvallur in C.C.No.268 of 2021. The learned counsel for the respondents submits that as the 2nd respondent did not receive the copy of the order in the above writ petition, the same was not considered while passing the impugned order. In my view the lack of communication between the respondents cannot be a ground for not complying with the order of this Court.

5. As the respondent has not complied with the order dated 16.09.2021 of this Court in W.P.No.19657 of 2021, the impugned order is set aside. Needless to state that the respondents are at liberty to initiate fresh action after complying with the aforesaid orders of this Court.



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Accordingly Writ petition is allowed. There shall be no order as to Costs. Consequently connected miscellaneous petition is closed.

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Index:Yes/No

Speaking Order:Yes/No

Neutral Citation:Yes/No

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To

1. The Joint Director of Industrial Safety and Health
Tiruvallur - 602 001.

2. The Deputy Director of Industrial Safety and Health,
No. 6/11 & 6/12, IInd Floor, Lalbahadur Sasthri Street,
Periyakuppam,
Tiruvallur - 602001.



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N.MALA,J.

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