



W.P(MD)No.7298 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.7298 of 2025
and
W.M.P(MD)No.5496 of 2025

Madurai District TASMAL Loading & Unloading
Workmen Development Union,
Regn.No.1471/MDU,
Through its President,
P.Mahadevan.

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Warehousing Corporation,
No.82, Annasalai,
Chennai-600 032.

2.The Senior Regional Manager,
Tamil Nadu Warehousing Corporation,
Palani Road,
Dindigul-624 010.

3.The Manager,
Thirumangalam Warehouse,
B-6, Industrial Estate,
SIDCO Complex,
Koothiarkundu, Madurai.

... Respondents



W.P(MD)No.7298 of 2025

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to give first preference to the members of the association Madurai District TASMAL Loading and Unloading Workmen Development Union, Regn. No. 1471/MDU), for engaging loading and unloading of goods in the fifth depot in the Godown at Kappalur, Madurai District by considering the representation, dated 10.03.2025.

For Petitioner : Mr.G.Hariharan
for Mr.R.Suriya Narayanan

For Respondents : Mr.Anwar Hussain
for Mr.C.Gangai Amaran

ORDER

The petitioner seeks for a Writ of Mandamus to direct the third respondent to give first preference to the members of the association Madurai District TASMAL Loading and Unloading Workmen Development Union, Regn. No.1471/MDU, for engaging loading and unloading of goods in the fifth depot in the Godown at Kappalur, Madurai District by considering the representation, dated 10.03.2025.



W.P(MD)No.7298 of 2025

WEB COPY

2. The petitioner claims that it is a registered Union of Workmen. Initially, it had 56 workmen as its members. Today, it claims to represent 106 persons. The petitioner pleads that the Tamil Nadu Warehousing Corporation has 5 depots in Kappalur, of which, loadmen are engaged in depot Nos.3, 4 and 5. In depot No.3, paddy, pulses and groceries are stored. In depot No.4, liquor bottles are stored and in depot No.5, paddy bags are stored by Tamil Nadu Civil Supplies Corporation. The petitioner pleads that the third respondent has taken depot No.5 on lease. It is alleged the third respondent is attempting to engage private persons to store, to load and unload courier boxes in the said depot. According to the petitioner, since its members are working from 1999 onwards, they should be given first priority before any third party is engaged.

3. I have heard Mr.G.Hariharan for Mr.R.Suriya Narayanan for the petitioner and Mr.Anwar Hussian for Mr.C.Gangai Amaran for the respondents.

4. For the petitioner to claim a priority, there must be some agreement between the parties to that effect. Contract of loading and unloading is between the employer and the employee. A Court cannot rewrite the contract at the instance of the writ petitioner. It might be true that the members of the writ



W.P(MD)No.7298 of 2025

WEB COPY

petitioner are doing service for more than 25 years. Whether the third respondent wants to engage the members of the writ petitioner Association or he wants to engage a third party is entirely a matter, which is under the discretion of the third respondent. The third respondent cannot be directed by way of a Mandamus to employ members of the petitioner Association or give them an option before approaching others. The petitioner has no such right nor is there a corresponding duty on the third respondent.

5. In the light of the above discussion, this writ petition fails and it is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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W.P(MD)No.7298 of 2025

WEB COPY

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W.P(MD)No.7298 of 2025

V.LAKSHMINARAYANAN, J.

BTR

W.P(MD)No.7298 of 2025

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