



W.P.Crl.(MD)No.145 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.145 of 2025

Mymoon Arushiya

... Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Additional Superintendent of Police,
Nagercoil,
Kanyakumari District.

3.The Inspector of Police,
Kottar Police Station (L&O),
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents herein from in any manner interfering with the running of petitioner tea shop name and stye of Kundusahib tea shop, D.No.261A, Cape Road, Kottar, Nagercoil, Kanyakumari District during 24x7 on all days of the year on the basis of G.O.Ms.No.61 Labour Welfare and Skill Development Department (K2) dated 22.06.2022 and by considering the petitioner's representation dated 31.05.2025.



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For Petitioner : Mr.B.Micheal Sebastin
For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The petitioner is running a tea shop in the name of Kundusahib tea shop, situated at D.No.261A, Cape Road, Kottar, Nagercoil, Kanyakumari District. He has approached this Court that the respondent Police are preventing him from running the tea shop during night hours and therefore, he submitted a representation dated 31.05.2025 requesting the respondent Police to permit him to open his shop for 24x7, as per the Government Notification in G.O.Ms.No.61, Labour Welfare and Skill Development(K2), dated 02.06.2022.

2.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents and submits that the Government has permitted to open the shop for 24 x 7 under the Tamil Nadu Shops and Establishments Act, 1947, vide G.O.Ms.No.61,



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Labour Welfare and Skill Development (K2), dated 02.06.2022 and the same was also notified. However, the permission is subject to certain conditions as stipulated in G.O.Ms.No.61, dated 02.06.2022.

3.The learned Additional Public Prosecutor has also furnished a copy of G.O.Ms.No.61 and submits that in the event, if the petitioner is complying with the condition, he is entitled to run the shop for 24x7.

4.This Court considered the rival submissions made.

5.The Government of Tamil Nadu, under the Tamil Nadu Shops and Establishments Act, 1947, vide G.O.Ms.No.61, Labour Welfare and Skill Development (K2), dated 02.06.2022, permitted all shops and establishments to remain open for 24 x 7 with certain conditions, which are extracted as follows:

(i) Every Employee shall be given one day holiday in a week on rotation basis, and the details of every employee shall be provided in 'Form S' added to the Tamil Nadu Shops and Establishments Rules, 1948 and shall be exhibited by the employer in a conspicuous place



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in the establishments.

(ii) Every employer shall exhibit details of the employees who are on holiday/leave, on daily basis, in a conspicuous place in the establishments.

(iii) The wages including overtime wages of the employees shall be credited to their savings bank account.

(iv) An employer shall not require or allow any person employed to work therein for more than eight hours in any day and forty eight hours in any week and the period of work including over time shall not exceed ten and a half hours in any day and fifty seven hours in a week.

(v) If employees are found working on any holiday or after normal duty hours without proper intent of overtime, penal action will be initiated against the employer/manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.

(vi) Women employees shall not be required to work beyond 8.00 p.m. on any day in normal circumstances:



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Provided that the employer after obtaining writing consent of the women employees shall allow them to work between 8.00 pm and 6.00 am, subject to providing adequate protection of their dignity, honour and safety.

(vii) Transport arrangements shall be provided to the women employees who works in shifts. A notice to this effect shall be exhibited at the main entrance of the establishment indicating the availability of transport.

(viii) The employees shall be provided with rest room, wash room, safety lockers and other basic amenities.

(ix) Every employer employing women employees shall constitute Internal Complaints Committee against sexual harassment of women under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013) and the said Committee shall be operative.

(x) The above said terms and conditions shall be treated and implemented in addition to those provisions specified in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.

(xi) In the case of violation of any statutory



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provision or any of the above terms and conditions noticed by the Inspector or otherwise, necessary penal action will be initiated against the employer/manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishment Rules, 1948.”

6.In view of the above G.O., this writ petition is allowed and the petitioner is permitted to run the shop for 24x7, however, strictly in compliance of the conditions as stipulated in G.O.Ms.No.61, dated 02.06.2022. No costs.

12.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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Nagercoil,
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- 2.The Additional Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 3.The Inspector of Police,
Kottar Police Station (L&O),
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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