



WEB COPY

WP No. 11060 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 11060 of 2026

M/s. Jains Pebble Brook Flat Owners
Associaton,
Rep. by its President Mr.
Kaliyaperumal, S/o. Veerasamy,
Madhakoil Street, Okkiyampet,
Thoraipakkam, Chennai-600 097

Petitioner(s)

Vs

1. THE SECRETARY tamil Nadu
Labour Welfare Board,
Rep. By its Joint Commissioner -TNSE
II, No.1, Tamilnadu Housing Board
Building, Near Thirumangalam Signal,
Mogappair Road, Anna Nagar West,
Chennai-600 040

2.Mr. Karthik R

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, calling for the records pertaining to the impugned order dated 18.02.2026 passed in I.A. No.20 of 2025 in T.N.S.E. II No.3 of 2025 by quash the proceeding of the 1st Respondent Board as being unconstitutional, Illegal and contrary to the provisions of the Tamil Nadu Shops and Establishments Act, 1947.

For Petitioner(s): Ms.Rohini Ravikumar

For Respondent(s): Mr.A.Selvendran for R1
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is passed against the private respondent, notice to the private respondent is dispensed with.



2. This petition has been filed challenging the order dated 18.02.2026 passed in I.A. No.20 of 2025 in T.N.S.E. II No.3 of 2025 by quash the proceeding of the 1st Respondent Board as being unconstitutional, Illegal and contrary to the provisions of the Tamil Nadu Shops and Establishments Act, 1947

3. It is the case of the petitioner Association, the second respondent was working as Facility Manager in the petitioner association and was terminated on 06.01.2025. The second respondent filed an appeal under Section 41(2) of the Tamil Nadu Shops and Establishments Act before the Tamil Nadu Shops and Establishments Board II, Chennai under TNSE.No.3 of 2025, the petitioner has filed an I.A.No.20 of 2025 questioning the maintainability that the petitioner is not an commercial establishments, wherein, the first respondent vide impugned order dismissed the application on the ground that those issues may be raised in the final hearing of the petition. Hence, this writ petition.

4. The learned Special Government Pleader for the first respondent submitted that the question of maintainability will be elaborately discussed along with the main petition. Hence, submitted that the order is not illegal and the petitioner's contention was not entirely rejected by the first respondent in the order dated 18.02.2026.



5. Heard the the learned counsel for the petitioner and the learned Special Government Pleader and perused the materials placed on record

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6. This Court perused the impugned order dated 18.02.2026 passed by the first respondent. As rightly pointed out by the learned Special Government Pleader, the first respondent has not rejected the petitioner's interlocutory application in limine, the first respondent has only taken a decision that the petitioner's question of maintainability can be raised in the main petition by adducing evidences and other materials which in view of this Court is not perverse. The second respondent, who admittedly was an employee of the petitioner association have to substantiate their case by adducing evidences and other materials. The second respondent's right to appeal cannot also be defeated at the threshold, similarly, the petitioner can also raise all the questions including the issue of maintainability of the very petition in the main petition itself.

7. In such view of the matter, this Court do not find any merits in this writ petition. The first respondent is directed to consider the main petition filed by the second respondent and pass appropriate orders within a period of three months from the date of receipt of a copy of this Order and the petitioner association is at liberty to canvass all those points including the issue of maintainability. Accordingly, this writ petition stands disposed of. No costs.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

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M.DHANDAPANI J.

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