



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29976 of 2019

and

W.M.P.Nos.29874 and 29877 of 2019

K.Meena

C/o. T.Fenn Walter Associates,
161, Thambu Chetty Street,
2nd Floor, Chennai-1.

Petitioner

Vs

1. The Management of Star Apparels,
(Now it known as Jai Crafts),
No.159, Raja Street, Padi, Chennai.

2.R.Sundaramoorthy,
Partner - The Management of Star Apparels,
No.1752, 13th Main Street,
Anna Nagar, Chennai 40.

3.K.Mohan,
Partner - The Management of Star Apparels,
No. 186-A, Kumaran Nagar,
Padi, Chennai 50

4.R.Neelagandan,
Partner - The Management of Star Apparels,
No. 1, Gandhi Street,
Thiruvaleeshwarar Nagar,
Padi, Chennai 50

5.K.Gunapushanam,
Partner - The Management of Star Apparels,
No. 159, Raja Street, Padi, Chennai 50



6.J.Robin,
Partner - M/s. Santhosh Super Market,
No.337/1, 2nd Avenue, Anna Nagar, Chennai 40,
(Purchaser of The Management of Star Apparels),
No.159, Raja Street, Padi, Chennai 40

7.The Assistant General Manager,
Tamil Nadu Mercantile Bank Ltd.,
No.738 Mount Road, Mount Road Branch,
Chennai 600 002.

Respondents

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the I Additional Labour Court, Chennai, I.A.Nos.1 and 2 of 2019 in C.P.No. 7 of 2018 dated 29.08.2019 and to quash the same and further permit the petitioner to examine the Branch Manager of the 7th respondent Bank as a witness and also direct the 7th respondent to produce all the records sought for in I.A.No. 2 of 2019.

For Petitioner	M/s. T.Fenn Walter Associates for Mr.K.V.Dhanabalan
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For Respondents	Not ready in notice for R1,R2, R4 and R5 Mr.M.S.Mani for R3 Mr.S.Shyam Sundar for R6 Mr.A.Karthikeyan for R7 Mr.J.Subbiah, GA(crl.side)
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ORDER

This writ petition is filed aggrieved by the order of the 1st Additional Labour Court, Chennai, made in I.A.Nos.1 and 2 of 2019 in C.P.No.7 of 2018 on 29.08.2019.



2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that, the petitioner was a workman under the first respondent, namely, the Management of Star Apparels (Now, it is known as Jai Crafts) at No.159, Raja Street, Padi, Chennai. As the petitioner was unable to further realise the fruits of the award passed by the Additional Labour Court in I.D.No.888 of 2001, dated 06.01.2005, he has filed the above computation petition in C.P.No.7 of 2018.

3. In the said petition, the properties of the management were taken over by the Tamil Nadu Mercantile Bank Limited and after the attachment, sale was made and they were also impleaded as parties and the computation proceedings were proceeded with. Under the said circumstances, when the interim applications were taken out to summon the Branch Manager of the Bank and also to produce the certain documents, the same were dismissed and therefore, the workman is before this Court.

4. The very purpose of filing the computation petition is to get the relief computed so that, the workman may approach the appropriate authorities, either the same Court by way of an execution petition, or seek such other relief in order to realise the fruits of the award. In the computation petition, the bank and the other persons were added only on the ground that the sale had taken place after the attachment.



5. Even though the interim applications filed by the petitioner were dismissed, pursuant to the direction of this Court, an affidavit was filed indicating the date of sale of the properties under the SARFAESI Act, 2002. The learned counsel appearing on behalf of the bank as well as the subsequent purchasers would submit that the sale had taken place on 28.03.2013, prior to the order of attachment, which was passed only on 27.01.2014.

6. In reply thereof, the learner counsel for the petitioner would submit that the sale was confirmed only in the year 2016. Be that as it may, the computation petition is maintainable only as against the management. The Management is the partnership firm. The firm and all five partners have rightly been arrayed as respondents 2 to 6. Therefore, the Labour Court can proceed further with the computation petition and compute the dues payable to the workman, which should be paid only by the management or its partners.

7. Pending the writ petition, this Court also requested the Assistant Commissioner of Police, Ambattur Range, to ascertain the whereabouts of the partners and their properties and file a Status Report. Today, a Status Report is filed and it is found that the partners are residing at the address mentioned hereunder. It is essential to extract paragraph No.4 of the Status Report:

“4.It is respectfully submit that, the respondent police



enquired the following witnesses and recorded their statements:

(i)Tr.Mohan-one of the Partner in Star Apparels residing at No.4/186 A Thiru.Vi.Ka.Nagar, Kumaran Nagar, Padi, Chennai 50.

(ii)Tr.K.Gunapushanam-One of the partner in Stal Apparels residing at No.7/2, Thirumalleswarar Colony, Devar Nagar, Padi, Chennai.

(iii)Tr.Neelagandan-One of the Partner in Star Apparels residing at No.A6, Anbu Nagar, IInd Street, Medavakkam, Chennai.

(iv)T.Sundaramoorthy, One of the partner in Star Apparels residing at No.3/517, Ganapathy Nagar, Perumanallur, Tirupur District 641 666."

8. It is also stated that the persons mentioned in item Nos.(i) and (ii) namely Tr.Mohan, and Tr.K.Gunapushanam, are residing in their own properties.

9. In view thereof, there will be no impediment for the workman to proceed with the computation petition and get an award passed and thereafter, execute the award. I am of the view that, the SARFAESI Act, 2002 gives primacy to the secured creditor and no exception is made with reference to the workman's dues. Therefore, the interlocutory applications and the prayer as against the third parties need not be pursued further.

10.The computation petition shall be considered on its own merits and the dues of the workman shall be computed as against respondents 1 to 5 and an award be passed, as expeditiously as possible, in any event, not later than, two



months, from the date of receipt of the web copy of this order, without waiting for the certified copy of the order.

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11. Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

13-02-2026

Neutral Citation:No
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To

The Assistant General Manager,
Tamil Nadu Mercantile Bank Ltd.,
No.738, Mount Road, Mount Road Branch,
Chennai 600 002.



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W.P.No.29976 of 2



D.BHARATHA CHAKRAVARTHY, J.

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