
(2018) 01 MAD CK 0512
In the Madras High Court
Case No : 11885 of 2017

Ex.Mill Workers Employees		APPELLANT
	Vs	
Union of India & Ors		RESPONDENT

Date of Decision : 09-01-2018

Acts Referred:

Citation : (2018) 01 MAD CK 0512

Hon'ble Judges : M.Sathyanarayanan, R.Hemalatha

Bench : Division Bench

Advocate : T.Lajapathi Roy, L.Victoria Gowri, M.Murugan, M.Sridhar, D.Sadiq Raja

Final Decision : Dismissed

Judgement

1. This writ petition is styled as a Public Interest Litigation. The affidavit is sworn to by R.Palanivelu, Secretary of Ex-Mill Workers Employees",,

Welfare Union, Sri Meenakshi Mills Limited, Pasumalai, Madurai.",,

2. It is averred in the writ petition that Sri Meenakshi Mills Limited, Madurai, commenced its operation in the year 1942 and was having the labour",,

force of 1,000 labourers. In the year 1955, the Management of the said Mills took a decision to construct residential houses for the welfare of the",,

labourers working in the said Mills under a subsidized housing scheme for industrial workers known as "Integrated Subsidized Housing Scheme",,

and the said scheme is for the benefit of industrial workers and economically weaker sections and landless persons.,,

3. The petitioner would further aver that on the application made by the said Mills, the then Government of Madras had agreed to acquire the lands",,

admeasuring to an extent of 23 acres and using the Government subsidy and availing long term loans, the Management of the Mills had constructed",,

161 residential houses with space/land for public utility, viz., park, play ground, roads and also drainage system on meagre rental basis of Rs.10/-",,,

(Rupees Ten only) and Rs.12/- (Rupees Twelve only) and the said amount was used to be deducted from and out of the wages paid to the Mill,,

workers.,,

4. It is further averred by the petitioner that during the year 1979, the Government taking into consideration the plea and prayer made by the",,,

workers, decided to sell the above said houses to the Mill workers by fixing the sale price as per the norms and guidelines prescribed by the first",,,

respondent in letter No.N-14019/1/77-H1, dated 14.02.1979. In the year 1987, the Management of the Mills, according to the petitioner, had",,,

arbitrarily fixed the sale price of the residential premises at a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and Rs.28,000/- (Rupees",,,

Twenty Eight Thousand only) without following the norms and guidelines prescribed by the first respondent and arbitrarily increased the sale price,,

from a sum of Rs.70,000/- (Rupees Seventy Thousand only) to a sum of Rs.1,10,000/- (Rupees One Lakh and Ten Thousand only) without",,,

taking into consideration the interest and welfare of the labourers and their capacity to pay the same. The petitioner would further state that in,,

respect of the scheme of "Integrated Subsidized Housing Scheme", the Housing and Urban Development Department, vide G.O.Ms.No.128,",,

Housing and Urban Development (SC.3) Department, dated 24.03.1997, had fixed the sale price at Rs.9,600/- (Rupees Nine Thousand and Six",,,

Hundred only) per house.,,

5. It is the specific case of the petitioner that the lands admeasuring to an extent of 23 acres were acquired by the Government for the benefit of,,

M/s.Sri Meenakshi Mills Limited, Madurai, especially, for the benefit of workers employed therein and the Management of the said Mills has no",,,

power whatsoever either to arbitrarily fix the sale price or to transfer or alienate the same in favour of somebody. However, the Management of",,,

the said Mill had arbitrarily sold valuable lands and superstructures bearing Door Nos.11, 12 and 161 in favour of the close relatives of higher",,,

officials of erstwhile Sri Meenakshi Mills Limited, Madurai, as well as M/s.Gujarat Heavy Chemicals Limited (in short "M/s.GHCL") - the sixth",,,

respondent herein, which has subsequently taken over the company by way of

three registered sale deeds in Document Nos. 1046 of 2009, 1047",,
of 2009 and 1048 of 2009 and such act on the part of the Management of the
said Mill, is wholly illegal and arbitrary. The petitioner Union, in this",,
regard, submitted very many representations and last of such representations
was submitted on 02.01.2017 to the respondents 1 to 4. Despite",,
receipt and acknowledgment, no action has been taken so far to cancel the sale
deeds and resume the lands in favour of the Government and",,
therefore, the petitioner came forward to file this writ petition styled as a Public
Interest Litigation.",,

6. Mr.T.Lajapathi Roy, learned Counsel for the petitioner has drawn the attention
of this Court to the typed set of documents and would submit",,
that as per G.O.Ms.No.3276, Industries, Labour and Co-operation Department of
Government of Madras, dated 08.10.1957, the lands",,
admeasuring to an extent of 4.72 acres of various survey numbers of
Thirupparankundram village were acquired and as per the terms and",,
conditions, in the event of the company being wound up or in the event of failure
on the part of the company to carry out the terms of the",,
agreement, the lands shall be liable to be resumed and taken back by the
Government on repayment to the company of the amount of the ward as",,
finally settled at the rate of 15% of the awarded amount for compulsory
acquisition or the estimated market value and though the company has",,
become sick and the Management has been transferred to M/s.GHCL Limited,
such a resumption has not been done and on the contrary, the",,
present Management had conveyed the valuable lands at a throw away price in
favour of the wards of the managerial employees for extraneous",,
and other consideration.,,

7. The learned Counsel for the petitioner has also drawn the attention of this
Court to G.O.Ms.No.971, Housing and Urban Development",,
Department, dated 15.07.1987, G.O.Ms.No.128, Housing and Urban
Development Department, dated 24.03.1997 as well as the guidelines",,
issued by the Government of India dated 14.02.1979 and would submit that the
acquired lands for the benefit of the erstwhile Management should",,
have been converted to the Mill workers and on the contrary, for extraneous and
other consideration, it has been conveyed to the wards of",,
managerial employees and as such, the prayer is sought for by the petitioner to

cancel the sale proceedings in respect of the superstructures bearing",,,

Door Nos.11, 12 and 161 of Thiyagarajar Labour Colony, Pasumalai, Madurai and transfer the same to the Ex-Mill workers of Sri Meenakshi",,,

Mills Limited, Madurai, with a further direction to recover the excess sale amount received from the Mill workers and refund the same to the Mill",,,

workers.,,,

8. Mr.M.Murugan, learned Government Advocate appearing for the respondents 2 to 5 would submit that as per the agreement between Sri",,,

Meenakshi Mills Limited, Madurai and the State Government in G.O.Ms.No. 3276, Industries, Labour and Cooperation Department, dated",,,

08.10.1957, the sale consideration was collected from Sri Meenakshi Mills Limited, Madurai, in respect of the land admeasuring to an extent of",,,

4.72 acres and as such, they have nothing to do with the same.",,,

9. The learned Counsel for the sixth respondent has drawn the attention of this Court to the counter affidavit and would submit that the present writ,,

petition is nothing but, an abuse of process of law and the deponent of the affidavit, purely acted in private interest actuated with mala fides and",,,

oblique motives.,,,

Survey Number and Subdivision (1),Classification (2),Extent (3) ACS

45.2,"Government, Dry",0.84

45-3A,"Government, Dry",0.27

45-3B-1,"Government, Dry",0.53

41-5A,"Government, Wet",0.14

42-8,"Government, Wet",0.35

41-2A1-B,"Government, Wet",0.59

42-11A1-B,"Government, Wet",0.02

42-13B-1,"Government, Wet",0.01

47-8A1-B,"Inam, Wet Government, Wet",0.34

25-1B,"Government, Wet",0.28

25-7A,"Government, Wet",0.07

27-1A,"Government, Wet",0.12

27-4A,"Government, Wet",1.15

Total,,4.72

that is to say conditions (a) to (c) above the lands shall be liable to be resumed and taken back by the said Government on repayment to the,,

company of the amount of the ward as finally settled laps the 15 per cent awarded for compulsory acquisition or the estimated market are values of,,

the land at the time of resumption whichever is less and if there are any buildings on the land the said Government may at their option either,,

purchase the buildings on payment of their estimated value at the time or direct the Company to remove the buildings at its own cost, within such",,,

time as may be allowed by the said Government."""",,,

18. It is not disputed by the respondents 2 to 5 that consideration was paid for such assignment and the possession of the lands acquired was also,,

handed over to the Management of Sri Meenakshi Mills Limited, Madurai.",,,

19. The primordial case of the petitioner Union from the affidavit filed in support of this writ petition appears to be that the lands admeasuring 23,,

acres were acquired and given to M/s.Sri Meenakshi Mills Limited, Madurai, wherein they have put up 161 dwelling houses and the",,,

superstructures bearing Door Nos.11, 12 and 161 were conveyed for a paltry sum in favour of the wards of managerial employees.",,,

20. This Court has also perused three sale deeds dated 23.09.2009, viz., a sale deed dated 23.09.2009 registered as Document No.1047/2009;,,

another sale deed dated 23.09.2009 registered as Document No.1046/2009 and yet another sale deed dated 23.09.2009 registered as Document,,

No.1048/2009.,,,

21. The survey numbers in the first sale deed are 42/4, 42/6, 42/7 and 42/11 admeasuring to an extent of 4707 sq. ft. and the superstructure of 50",,,

years old having plinth area of 905 sq. ft. The second sale deed is in respect of S.No.42/1 having the measurement of 2913 sq. ft and a,,

superstructure of 50 years old having plinth area of 706.3 sq. ft and the third sale deed pertains to an extent of 2309.35 sq. ft. in S.Nos.42/1 and,,

42/4 with a superstructure of 50 years old having plinth area of 706.3 sq. ft.,,,

22. It is pertinent to point out at this juncture that as per the aforesaid chart, 0.35 cents of land was acquired in S.No.42/8 and 0.02 cents of land",,,

was acquired in S.Nos.42/11A1/B and as per the counter affidavit of the sixth respondent, out of 4.72 acres of acquired and assigned in favour of",,,

Sri Meenakshi Mills Limited, Madurai, for consideration, after acquisition for laying of road, a smaller extent of 3.44 acres of land is only available",,,

and that apart, they had also purchased 23.79 acres of land and it is their private patta lands.",,,

23. The petitioner miserably failed to establish that the superstructures existed on the acquired lands and even assuming for the sake of argument,,,

that the superstructures are located on the said land, the undisputed fact remains that the lands were conveyed for consideration to the erstwhile Sri",,,

Meenakshi Mills Limited, Madurai. Even as per clause (d), the land will be resumed in favour of the Government when the company being wound",,,

up and in the event of failure to carry out the terms of the agreement, i.e., (a) to (c), however, on payment of the amount calculated on 15%",,,

awarded for compulsory acquisition or the estimated market value of the land.,,,

24. It is not even the case of the official respondents 2 to 5 that the purpose for the assignment of the lands for consideration in favour of Sri,,,

Meenakshi Mills Limited, Madurai, has been violated. It is also very relevant to point out that as per the proceedings of the Board for Industrial",,,

and Financial Reconstruction ("BIFR") at New Delhi, a scheme was sanctioned and pursuant to the same, M/s.Sri Meenakshi Mills Limited",,,

Madurai, merged with the sixth respondent and the said scheme is having a statutory backing and it is not even put to challenge by the deponent of",,,

the affidavit, who himself is an ex-workman of M/s.Sri Meenakshi Mills Limited, Madurai.",,,

25. The petitioner has failed to substantiate that three sale deeds have been executed for extraneous consideration and it is also to be pointed out,,,

that three registered sale deeds came into being as early as on 23.09.2009 and the challenge to the said sale deeds is being made nearly after eight,,,

years.,,,

26. The order dated 05.12.2016 made in W.P(MD)No.9613 of 2009 [Madurai Puranagar Mavatta Panchalai Thozhilalargal Sangam represented,,,

by its General Secretary v. Union of India represented by the Secretary, Department of Ministry of Works and Housing and others], relates to one",,,

M/s.Shri Visalakshi Mills which is under liquidation and this Court, while disposing of the said writ petition on 05.12.2006, merely directed the",,,

disposal of the representation dated 09.03.2009 submitted by the petitioner

association therein.,,

27. The learned Counsel for the sixth respondent has also produced a copy of the print out from the Registration Department and would submit,,

that the petitioner union has become defunct and point that it has total number of only 11 members and did not hold a general body meeting as a,,

trade union and did not file returns and as such, it is not entitled to prosecute the said union.",,

28. This Court finds force in the submission of the learned Counsel for the sixth respondent. The petitioner Union either in the cause title or in the,,

affidavit, has not even given the Registration Number of the said Union.",,

29. The prayer sought for by the petitioner in this writ petition is also very vague and under the guise of filing the so-called Public Interest Litigation,",,

seeks to set aside three registered sale deeds dated 23.09.2009 executed in favour of private respondents and the same is impermissible in law in,,

the light of the reasons assigned above.,,

30. In the considered opinion of this Court, this writ petition cannot be termed as Public Interest Litigation and the petitioner Union by abuse of",,,

process of this Court, filed it as Public Interest Litigation.",,

31. This Court has already pointed out in earlier paragraphs that the petitioner Union had failed to co-relate the lands which were acquired and,,

assigned to Sri Meenakshi Mills Limited, Madurai, for consideration with that of the site and superstructure conveyed in favour of the private",,,

respondents under the three registered sale deeds, dated 23.09.2009.",,

32. The claim made by the petitioner Union revolves around adjudication of disputed questions of fact and that apart, the petitioner is also guilty of",,,

delay and laches and also abuse of process of law and as such, it is not entitled to any indulgence from this Court.",,

33. Though the cost should follow for having abused the process of this Court, this Court is not inclined to do so for the reason that the petitioner",,,

union appears to have supported the cause of the workmen of the erstwhile Sri Meenakshi Mills Limited, Madurai and as such, not to mulct them",,,

with costs.,,

34. In the result, this writ petition is dismissed. However, in the facts and circumstances, there shall be no order as to costs.",,