

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 32127 of 2015 (M)

PETITIONERS : -

1. NEMOM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.H.68, PRAVACHAMBALAM, NEMOM P.O., THIRUVANANTHAPURAM, PIN - 695020, REPRESENTED BY ITS PRESIDENT.
2. JAWAHARLAL MEMORIAL HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.H IND(T) 387, KAKKAMoola, KALLIYOOR PO, THIRUVANANTHAPURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT.
3. PUNNAMOODU HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.H179, KALLIYOOR, KALLIYOOR P.O., THIRUVANANTHAPURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT
4. THETTIVILA VANITHA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.H.IND(T) 645, KALLIYOOR, KALLIYOOR P.O., THIRUVANANTHAPURAM, PIN - 695 042, REPRESENTED BY THE PRESIDENT.
5. C.K. G. SMARAKA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. No. T.396, BHAGAVATHINADA, VEDIVACHANCOIL P.O., THIRUVANANTHAPURAM, PIN - 695 501, REPRESENTED BY ITS PRESIDENT.
6. VINOBHA SMARAKA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.T.520, KALLIYOOR PO, THIRUVANANTHAPURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT.
7. PERINGAMALA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.H.27, KALLIYOOR PO., THIRUVANANTHAPURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT.

8. POONCODE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.1907, VEDIVANCHANCOIL PO., THIRUVANANTHAURAM, PIN -695 501, REPRESENTED BY ITS PRESIDENT.
9. KALLIYOOR HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.3392, KALLIYOOR PO., THIRUVANANTHAURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT.
10. SREE VELLAYANI HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.T.328, KALLIYOOR PO., THIRUVANANTHAURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT.
11. VALLAMCODE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.T.312, KALLIYOOR PO., THIRUVANANTHAURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT.
12. SREE GANESH SILK T-541, BHAGAVATHINADA PO., THIRUVANANTHAPURAM, PIN -695501, REPRESENTED BY ITS PRESIDENT.
13. AMBADI VANITHA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO.T-644, KALLIYOOR PO., THIRUVANANTHAURAM, PIN - 695 042, REPRESENTED BY ITS PRESIDENT.
14. SREE VAWWAMoola HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO. T. 3564. VENNIYOOR, NELLIVILA PO., THIRUVANANTHPAURAM, PIN - 695 523, REPRESENTED BY ITS PRESIDENT.
15. SREE BHAGAVATHI HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO. T.350, BHAGAVATHINADA, VEDIVACHANCOIL PO, THIRUVANANTHPAURAM-695 501, REPRESENTED BY ITS PRESIDENT.
16. PALLICHAL HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD NO. T 333, PALLICHAL PO., THIRUVANANTHPAURAM, PIN -695 020, REPRESENTED BY ITS PRESIDENT.
17. ALUVILA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD. NO. 3365, BALARAMAPURAM PO., THIRUVANANTHPURAM, PIN -695 501, REPRESENTED BY ITS PRESIDENT.

18. SREEVARAHAM HANDLOOM WEAVERS CO-OPERATIVE
SOCIETY LTD NO. 3466, PAPPANAMCODE,
THIRUVANANTHAPURAM-695 018,
REPRESENTED BY ITS PRESIDENT.

BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.SYAMA MOHAN

RESPONDENTS :-

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
DEPARTMENT OF INDUSTRIES, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695 001.
2. NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT,
2ND FLOOR, 'D' WING, C-24,
'G' BLOCK BANDRA KURLACOMPLEX BANDRA (EAST)
MUMBAI-400 051, REPRESENTED BY ITS MANAGING DIRECTOR .
3. DIRECTOR OF HANDLOOM AND TEXTILES,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 033.
4. GENERAL MANAGER,
THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK LTD,
HEAD OFFICE, THIRUVANANTHAPURAM-01.
5. N.SASI, CHALARATHALAKKAL VEEDU, KALLIYOOR POST,
THIRUVANANTHAPURAM-695 042.
6. N. VISWAMBARAN,
BEENA COTTAGE, KATTACHALKUZHAY, BALARAMAPURAM,
THIRUVANANTHAPURAM-695 501.

R4 BY ADV.SRI.T.R.HARIKUMAR, SC, THIRUVANANTHAPURAM
DIST.CO.OP.BANK

R2 BY ADV.SRI.S.BIJU, CGC
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS : -

- EXT.P1: TRUE COPY OF THE COMPLAINT NO. 598/15 WITH EXHIBITS
BEFORE THE LOK AYUKTA, THIRUVANANTHAPURAM, DATED
15/3/15.
- EXT.P2: TRUE COPY OF THE ORDER IN COMPLAINT NO. 598/15 DATED
23/3/15.
- EXT.P3: TRUE COPY OF THE ORDER NO. HL/F/3009/15 DATED 28/4/15.
- EXT.P4: TRUE COPY OF THE APPLICATION DATED 5/5/15.
- EXT.P5: TRUE COPY OF THE REPLY DATED 16/5/15 ISSUED BY THE 3RD
RESPONDENT.
- EXT.P6: TRUE COPY OF THE LETTER DATED 22/11/12.
- EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 27/7/15.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 32127 of 2015

Dated this the 18th day of November, 2015

JUDGMENT

The petitioners, 18 Handloom Weavers Co-operative Societies, have filed the writ petition questioning Exhibit P3 order issued by the Director of Handloom and Textiles, the third respondent. In fact, the third respondent, through Exhibit P3, directed the General Manager, District Co-operative Bank, the fourth respondent, not to release funds to the petitioners under RRR package until further orders, because of what is said to be a vigilance enquiry.

2. The learned counsel for the petitioners has submitted that based on Exhibit P1 complaint by certain persons, the learned LOK AYUKTA, through Exhibit P2, ordered the Vigilance and Anti Corruption Bureau to conduct a preliminary enquiry into the truth or otherwise of the allegations. According to the learned counsel, the said investigating officer, upon enquiry, submitted a report before the learned LOK AYUKTA, which in turn issued notices to all the petitioners herein.

3. The learned counsel has strenuously contended that before the learned LOK AYUKTA could adjudicate upon the issue and render any definitive conclusions, the third respondent has hastily issued Exhibit P3 order directing the fourth respondent not to release the funds to the petitioners.

4. It is the specific contention of the learned counsel for the petitioners that the third respondent is entirely mistaken in observing in Exhibit P3 that there is a vigilance enquiry and that funds should be stopped. In elaboration, the learned counsel has submitted that there is only an enquiry by a specific officer of the Vigilance and Anti Corruption Bureau, especially, on the direction of the learned LOK AYUKTA. The learned counsel has further submitted that on the basis of Exhibit P3, all the banking operations in 18 petitioner societies have come to a grinding halt.

5. Be that as it may, the issue has been seized of by a competent forum : Kerala LOK AYUKTA. Granted that, it is inappropriate for this Court to indulge in parallel adjudication.

6. In the facts and circumstances, I make it clear that the petitioners are at liberty to ventilate their grievance before

the learned LOK AYUKTA and seek appropriate remedy.

Accordingly, the writ petition stands disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-