

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No.14375 of 2015

&

M.P. Nos. 1 & 2 of 2015

D.Panneerselvam

..Petitioner

Vs.

1.The Assistant Director,
Handloom/Director of Textiles,
Kumbakonam.

2.The President,
Vilandai-Devangar Handloom
Weavers Co-op.Society,
Vilandai, Andimadam Post,
Udayarpalayam Taluk,
Ariyalur District.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the second respondent in his proceedings No.Nil, dated 24.04.2015 and quash the same.

For Petitioner :: Mr.C.Prakasam

For RR1&2 :: Mrs.T.P.Savitha, GA.

O R D E R

The petitioner contends that he is one of the member of the second respondent society and is making certain allegations against the present President, the second respondent herein. The petitioner has given a representation on 27.05.2014 and thereafter, obtained an order from this Court in W.P.No.19998 of 2014 on 30.10.2014 directing the first respondent to pass an appropriate orders on the petitioner's representation. Thereafter, the present impugned order has been passed on 24.04.2015 removing the petitioner from the membership of the second respondent Society. The said order has been challenged before this Court in this Writ Petition.

2.Heard Mr.C.Prakasam, learned counsel for the petitioner and Mrs.T.P.Savitha, learned Government Advocate appearing for the respondents.

3.A perusal of the impugned order would make it clear that the petitioner was already declared as an Insolvent in I.P.No.2 of 2011 on 17.02.2011 by virtue of the order passed by the Sub Court on 28.03.2013. Taking note of the above, the petitioner was removed from the member shil of the second respondent Society. As per the By-law 11A of the Society, if a person has been adjudicated as an Insolvent or he has undischarged as an Insolvent, he shall be qualified from the membership of the Society and therefore the order passed by the first respondent is valid and according to the By-law.

4.Therefore, the contention of Mr.C.Prakasam, learned counsel for the petitioner that the order impugned was not valid is not sustainable. No purpose will be achieved by following the process as it is admitted by the petitioner himself that he was declared as an insolvent by the Civil Court. When that is the admitted position, there is no necessity to conduct an enquiry.

5.Therefore, Writ Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs. Connected M.Ps are also closed.

6.However, Mr.C.Prakasam, the learned counsel would pointout the order passed by this Court in WP. No.19998 of 2014. The learned Government Advocate would submit that the first respondent already passed an order as per the proceedings in Na.Ka.No.3841/2014 dated 24.12.2014 and the same was also alleged to have been sent to the petitioner and therefore, the said contention also fails.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dn

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Handloom/Director of Textiles,
Kumbakonam.

2.The President,
Vilandai-Devangar Handloom Weavers Co-op.Society,
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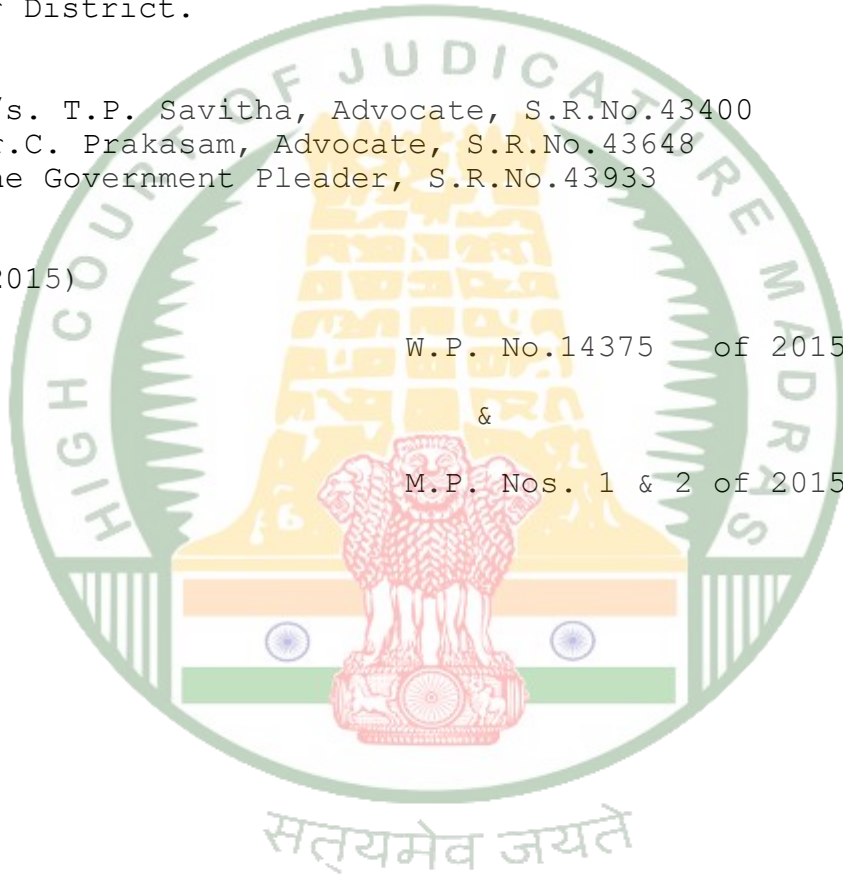
+1cc to M/s. T.P. Savitha, Advocate, S.R.No.43400
+1cc to Mr.C. Prakasam, Advocate, S.R.No.43648
+1cc to the Government Pleader, S.R.No.43933

AK(CO)
EU(02/08/2015)

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