

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.19419 of 2015

and

M.P.No.1 of 2015

K.Semalaiyappan

... Petitioner

Vs

1. The District Collector
O/o. The Collectorate
Cotton Market Building
Tirupur District-641 604.
2. Block Development Officer
O/o. The Block Development Office
Kangayam, Tiruppur District -638 111.
3. The Senior Inspector of Cooperative Societies
No.12 M.G.Puthur, 3rd Street Tiruppur-641 604.
4. R.Ranganathan
The Senior Inspector of Cooperative Societies
No.12 M.G.Puthur 3rd Street
Tiruppur-641 604.
5. D.Tamilarasan. President
EH-208 Manimekalai Handloom Weavers Coop.
Production & Sale Society Ltd.
15/107, Pudhu Vinayagar Koil St. Kangayam Po.
Tiruppur Dt.-638 701.
6. Manimekalai Handloom Weavers
Coop.Production & Sale Society Ltd.
EH-208, Rep. by its Secretary
15/107 Pudhu Vinayagar Koil St.
Kangayam Po. Tiruppur Dt.-638 701.

... Respondents

This Writ Petition under Article 226 of the Constitution of India for the issuance of a Writ of mandamus to direct the Respondents No.1 & 2 to take necessary and immediate action on the representation of the Petitioner dated 30.12.2014

For petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.L.P.Shanmughasundaram, SGP (R3)
Mr.R.Lakshmi Narayanan, AGP (R1&2)

O R D E R

Heard Mr.K.Chandrasekaran, learned counsel for the petitioner, Mr.L.P.Shanmughasundaram, learned Special Government Pleader, who took notice for the 3rd respondent and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader for the 1st and 2nd respondents and with their consent, the main writ petition is taken up for disposal.

2. This writ petition has been filed by K.Semalaiyappan, S/o Karrupan Chettiyar, seeking a writ of mandamus to direct the District Collector and the Block Development Officer, Karur, respondents 1 and 2 herein, to take immediate and necessary action on his representation dated 30.12.2014.

3. According to the learned counsel for the petitioner, the grievance of the petitioner is that, being a life member of EH-208, Manimekalai Handloom Weavers Co-operative Production and Sale Society Ltd., which is the 6th respondent herein, the petitioner has given a representation on 30.12.2014 to the District Collector/1st respondent requesting to take immediate action on the 5th respondent, who has been elected as the President of the said Society, on the ground that the 5th respondent has acted against the interest of the 6th respondent Society, by indulging in various irregularities. Pursuant to the same, the District Collector/1st respondent has directed the Block Development Officer/2nd respondent to take necessary action and report to him, but, no action has been taken.

4. That apart, according to the learned counsel for the petitioner, the further grievance of the petitioner is that the 4th respondent, Inspector of the Society had also colluded with the 5th respondent in committing several unlawful activities, consequently, the benefit of "Pasumai Veedu" Scheme announced by the Government of Tamil Nadu, purely meant for the people living below the poverty line, has been extended to wrong persons. Since the said representation of the petitioner dated 30.12.2014, he has come to this Court.

5. Adding further, the learned counsel for the petitioner would submit that the 4th and 5th respondents, doing public service, have wrongly colluded with a mala-fide intention causing pecuniary loss to the Government of Tamil Nadu. Therefore, according to the learned counsel, a direction should be given to the 1st and 2nd respondents to take action on the representation of the petitioner dated 30.12.2014.

6. In this regard, the learned counsel for the petitioner has also referred to the 12th Five Year Plan to say that the District Collector is also a responsible officer for proper implementation of the scheme at the District level and therefore, the petitioner is entitled to make a complaint and it is his contention that after making such a complaint, since there is no response, the petitioner has come to this Court.

7. Opposing the above prayer, Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the 3rd respondent, drawing the attention of this Court to G.O.Ms.No.II (1)/HHTK/2069/93 dated 14.04.1993, in and by which, powers of Registrar of Handlooms and Textiles Department has been conferred on the Joint Directors of Handloom and Textiles, submitted that the petitioner, instead of making proper representation to the competent officers, has wrongly misdirected himself. Therefore, respondents 1 and 2 cannot have any say in this matter. He further drawing the attention of this Court to Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, submitted that the Registrar, either of his own motion or on the application of a majority of the board or on the request of the financing bank or of the District Collector, can hold an inquiry or direct some person authorised by him by order in writing to hold an inquiry into the constitution, working and financial condition of a registered society and now that power has been delegated to the Joint Director of Handlooms and Textiles in G.O.Ms.No.II (1)/HHTK/2069/93 dated 14.04.1993. Therefore, the writ petition is legally not maintainable.

8. This Court, having fully agreed with the submissions made by the learned Special Government Pleader, finds no merits in the writ petition and hence the same is dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rg

To

1. The District Collector
O/o. The Collectorate
Cotton Market Building
Tirupur District-641 604.
2. Block Development Officer
O/o. The Block Development Office
Kangayam, Tiruppur District -638 111.
3. The Senior Inspector of Cooperative Societies
No.12 M.G.Puthur,
3rd Street
Tiruppur-641 604.

+1cc to Mr.K.Chandrasekaran, Advocate, S.R.No.35163
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.33881
+1cc to the Government Pleader, S.R.No.33645

सत्यमेव जयते

W.P.No.19419 of 2015
and
M.P.No.1 of 2015

PVR (CO)
CA(28/07/2015)

WEB COPY