

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2015

Coram :

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P.No.33054 OF 2015

S.Viswanathan

... Petitioner

vs

1.The Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009.

2.The Director,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Kuralagam, II Floor,
Chennai - 108.

3.The Assistant Director,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Venkikal, Tiruvannamalai - 606 601.

4.Mrs.Sathiyabama,
Managing Director,
Keezhkodungalur Handloom Weavers,
Co-operative Production and Sales Society Limited,
Keezhkodungalur Post,
Vadavasi Taluk,
Tiruvannamalai District.

5.P.Kuppu,
Secretary,
Keezhkodungalur Handloom Weavers
Cooperative Production and Sales Society Limited,
Keezhkodungalur Post,
Vandavasi Taluk,
Tiruvannamalai District.

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6.Mohammed Arif
Clerk,
Keezhkodungalur Handloom Weavers
Cooperative Production and Sales Society Limited,
Keezhkodungalur Post,
Vandavasi Taluk,
Tiruvannamalai District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents 1 and 2 herein to consider the representation of the petitioner dated 01.10.2015 seeking direction to the 3rd respondent for the repayment of the amount due to the petitioner from the society and for re-opening the society besides taking action against the erring staffs of the society.

For Petitioner : M/s.P.Mani
For Respondents : Mr.D.Venkatachalam
Government Advocate

O R D E R

The petitioner was elected as President of Keezhkodungalur Handloom Weavers Cooperative Production and Sales Society Limited, on 09.05.2013. The petitioner advanced a sum of Rs.23,08,700/- from his personal funds to meet the financial requirements of the society after obtaining receipt from the Managing Director of the society. Since the amount was not returned to the petitioner, he made a complaint to the Asst. Director of Handloom, Tiruvannamalai who, after inspecting and verified the records of the society found that the amount borrowed from the petitioner was stated to have been returned to the petitioner by making false entries. In this regard the petitioner sent a representation to the 3rd respondent on 25.09.2015 to take action against the Secretary, Clerk and Managing Director of the society and return the amount due to him.

2. The 3rd respondent, however sealed the society and it is now kept under lock and key and therefore, the petitioner has given a representation on 01.10.2015 to the 1st and 2nd respondents seeking direction to the 3rd respondent for return of the amount due to the petitioner and to re-open the society, besides taking steps against the erring persons. Since the petitioner's representation was not disposed of, he is before this court.

3. Heard Mr.P.Mani, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned Government Advocate appearing for the respondents 1 to 3. No notice to the 4th and

5th respondents is required at this stage as this court is only directing the respondents 1 to 3 to conduct enquiry, after issuing notice to the 4th and 5th respondents.

4. It is seen from the representation of the petitioner that he had advanced loan to the society from his personal account and it was not returned to him. However, it is stated that false entries were made as if the money was returned to the petitioner. In this regard, the petitioner already gave representation against the erring staff of the said society and the enquiry is being conducted. Therefore, it is appropriate to direct the 2nd respondent to nominate a person in the cadre of Asst. Director to conduct enquiry based on the petitioner's representation, instead of the 3rd respondent herein, as the petitioner apprehends that the 3rd respondent has colluded with the other respondents, after giving notice to the 4th and 5th respondents and the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi Department,
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2.The Director,
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3.The Assistant Director,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Venkikal, Tiruvannamalai - 606 601.

+1cc to Mr.P.Mani, Advocate Sr.58891
+1cc to The Government Pleader Sr.59269

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kji[co]
srg 11/12/2015



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