

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.305 of 2015

and

M.P.Nos.1 and 2 of 2015

S.Boovaragasamy

.. Petitioner

Versus

- 1.The Assistant Director of Hand Looms and Textiles,
O/o. Assistant Director of Hand Looms and Textiles,
No.6, Pakthapuri Street, Kumbakonam - 1.
Tanjore District.
 - 2.The President,
Sengundapuram Sri Sundaravinayagar Handloom Weavers,
Co-op. Production and Sales Society Ltd., No.R998,
Sengundapuram, Ariyalur District.
 - 3.The President,
Sengundapuram Tiruvalluvar Handloom Weavers,
Co-op. Production and Sales Society Ltd.,
Sengundapuram, Ariyalur District. .. Respondents
- (Respondents 2 and 3 impleaded as per
order dated 02.02.2015 by this Court in
MP.No.3 of 2015 in WP.No.305 of 2015.)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Tha.Vaa.No.4360/2014/A4, dated 19.09.2014 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Rajeswaran (for R1)
Special Government Pleader
Ms.T.P.Savitha (for R2 and R3)
Government Advocate

O R D E R

Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the first respondent and Ms.T.P.Savitha, learned Government Advocate appearing for the respondents 2 and

3, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2. Admittedly, against the impugned proceedings the petitioner has an effective alternate remedy of filing an appeal before the Co-operative Tribunal-cum-Principal District Court of the concerned District. All issues raised by the petitioner in this writ petition can be raised before the Appellate Tribunal which has got power to re-appreciate the factual findings recorded in the surcharge order. That apart, no justifiable ground has been made out by the petitioner to by pass such effective alternative remedy.

3. Accordingly, the writ petition is disposed of, granting liberty to the petitioner to file an appeal before the Appellate Tribunal and if such appeal is filed before the Appellate Tribunal while considering the question of limitation, shall exclude the period during which this writ petition was pending i.e., from 06.01.2015, till the date of receipt of the certified copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vs/kpr

To

The Assistant Director of Hand Looms and Textiles,
O/o. Assistant Director of Hand Looms and Textiles,
No.6, Pakthapuri Street, Kumbakonam - 1.
Tanjore District.

1 cc to M/s.C. Prakasam, Advocate, Sr. 19867
1 cc to M/s.T.P. Savitha, Advocate, Sr. 20145
1 cc to Government Pleader, Sr. 20197

W.P.No.305 of 2015
and
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MP (CO)
kk 13/4