

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.16242 of 2014

S.Devaraj

Petitioner

vs.

1.The Director of Handlooms and Textiles
Kuralagam Building
Esplanade, Chennai.

2.The Assistant Director
Handlooms and Textiles
Bhavani Road
Erode.

3.Bharathiyar Weavers Co-operative
Production and Sale Society Ltd., EH 20
Rep by its Special Officer
Ulagapuram
Gnananipalayam 638 112.

4.S.K.Thangarasu

Respondents

[R4 impleaded as per order of this Court dated 20.08.2014 made in M.P.No.1 of 2014]

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus to direct the respondents 1 and 2 to conduct enquiry under Section 81 or 82 of the Tamil Nadu Co-operative Societies Act, 1883 into the misappropriation, fraudulent retention of the funds of the society, breach of trust, corrupt practice and other mismanagement in relation to the 3rd respondent society by considering the petitioner's representation dated 18.01.2014.

For petitioner Mr.R.Thiagarajan

Senior Counsel

for Mr.S.Ramesh Kumar

For R1 and R2 Mr.V.Selvaraj,

Additional Government Pleader

For R3 and R4 Mr.E.M.S.Natarajan

ORDER

This petition has been filed seeking a writ of Mandamus to direct the respondents 1 and 2 to conduct enquiry under Section 81 or 82 of the Tamil Nadu Co-operative Societies Act, 1883 into the misappropriation, fraudulent retention of the funds of the society, breach of trust, corrupt practice and other mismanagement in relation to the 3rd respondent society by considering the petitioner's representation dated 18.01.2014.

2. According to the learned counsel for the petitioner, the petitioner made a representation to the first respondent on 18.01.2014. The said representation is still pending with the first respondent and no order has been passed. Hence, the petitioner has filed the present writ petition before this Court.

3. The learned Additional Government Pleader would submit that under Section 90 of the Tamil Nadu Co-operative Societies Act, the Registrar of the Co-operative Societies is the competent authority and in the present case the first respondent/Director of Handlooms and Textiles is the competent authority to consider the petitioner's representation dated 18.01.2014 in accordance with law.

4. In view of the aforesaid submission, without expressing any opinion on the merits of the case, this Court directs the first respondent to consider the petitioner's representation dated 18.01.2014 and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after providing opportunity to the necessary parties. It is needless to state that the petitioner shall furnish a copy of the representation along with this order.

With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

1.The Director of Handlooms and Textiles
Kuralagam Building
Esplanade, Chennai.

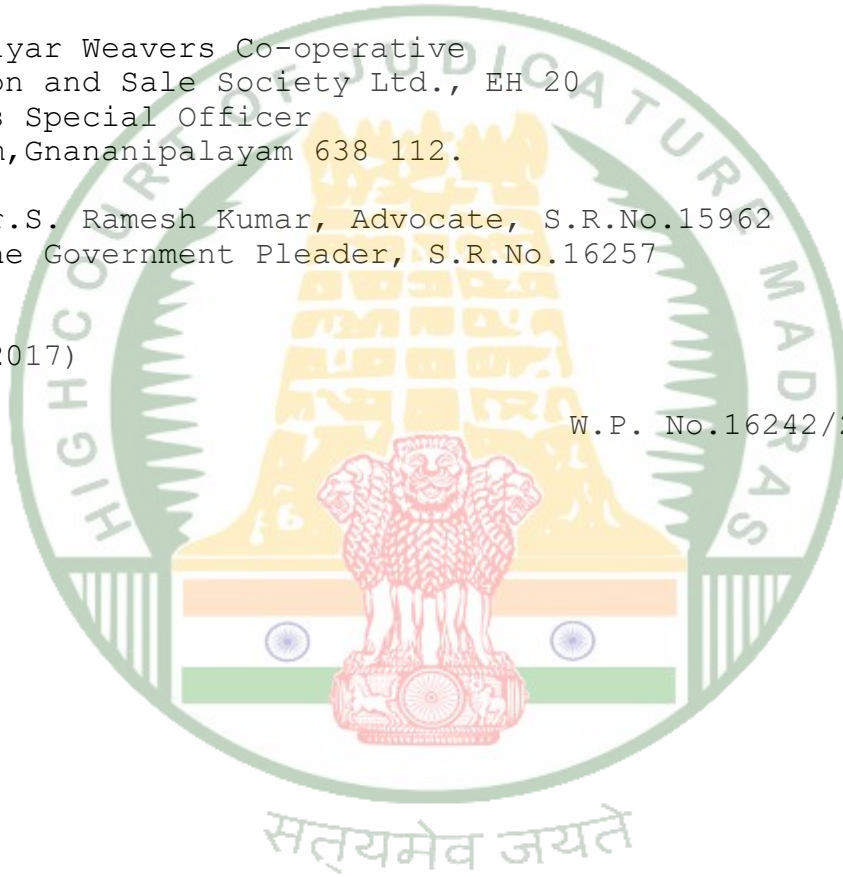
2.The Assistant Director
Handlooms and Textiles
Bhavani Road, Erode.

3.Bharathiyar Weavers Co-operative
Production and Sale Society Ltd., EH 20
Rep by its Special Officer
Ulagapuram, Gnananipalayam 638 112.

+lcc to Mr.S. Ramesh Kumar, Advocate, S.R.No.15962
+lcc to the Government Pleader, S.R.No.16257

vsn(CO)
md(19/04/2017)

W.P. No.16242/2014



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