

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.6.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.28790 of 2016
and W.M.P.No.24831 of 2016

- 1 R.Kanniappan
- 2 S.Karthikeyan
- 3 Vasantha
- 4 Vadivel
- 5 Dhanalakshmi
- 6 Boopalan
- 7 V.Chandrakala
- 8 Panchavarnam
- 9 Ponnambalam
- 10 Natarajan
- 11 Panchavarnam
- 12 S.Lakshmi
- 13 Shivaraj
- 14 Thangavel
- 15 Karthikeyan
- 16 Balasundaram
- 17 Valliammal
- 18 Boopalan
- 19 Selvi
- 20 Chandra
- 21 Meenakshi
- 22 Panchavarnam
- 23 Valliammal
- 24 Mallika
- 25 Radhakrishnan

... Petitioners

Vs.

- 1 State of Tamilnadu
Rep. by its Secretary,
Handlooms, Handicrafts, Textiles & Khadi Dept.,
Fort St. George, Chennai 600 109
- 2 The Director,
Handlooms, Handicrafts, Textiles & Khadi Dept.,
Kuralagam, 2nd Floor,
Chennai 108.
- 3 The Assistant Director,
Handlooms, Handicrafts, Textiles & Khadi Dept.,
Venkikal, Tiruvannamalai District.

4 Keezhkodungalur Handloom Weavers Co-operative
Production and Sales Society Limited
Rep. by its Managing Director,
Keezhkodungalur Post,
Vandavasi Taluk,
Tiruvannamalai District

5 S.Viswanathan ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the official respondents 1 to 3 to take over the management of the 4th respondent society and consequently restrain the 5th respondent from interfering with the functioning of the 4th respondent society.

For Petitioner : Mr.Dakshayani Reddy
For Respondents 1to3 : Mr.T.Girija Government Advocate
For Respondent No.4 : Mr.L.P.Shanmugasundaram
Spl. Govt. Pleader
For Respondent No.5 : Mr.P.Mani

O R D E R

By consent of both side counsels, the main writ petition itself is taken up for final disposal.

2 According to the petitioners, the members of the society are belongs to lower strata of society. The members of the society are eking out their livelihood with the meagre charges paid by the society. In the year 2013, the Government had nominated 5th respondent as President of the Society. Along with the President, 6 other members are appointed as directors of the respondent society. Subsequently, some of the directors and Vice President have resigned from the post. Hence, the society could not function with the President and the sole Director and as a result of which the members of the society are severely affected, even minimum wages have not been paid. Hence, petitioners made representation to the third respondent. Since no order has been passed, the present writ petition has been filed.

3 The learned Additional Government Pleader submitted that the Managing Director of the Society is administering the society on day to day basis.

4 The learned counsel appearing for the 5th respondent would submit that the complaint made against the 5th respondent

are denied. There is no truth in the allegations made by the petitioners.

5 However, by considering the facts and circumstances of the case, by consent of counsel for the parties concerned, this Court pass the following orders:

(i) Tmt.R.Brindha, Additional Registrar, Marketing, Planning and Development, Office of the Registrar of Tamilnadu Cooperative Societies, Kilpauk, Chennai shall conduct enquiry under section 81 of the Tamil Nadu Cooperative Societies Act on the allegations made by the petitioners against the 5th respondent.

(ii) The Enquiry Officer is directed to submit report to the second respondent.

(iii) It is open to the petitioners as well as 5th respondent and other members of the society to make representation to the Additional Registrar, Marketing, Planning and Development, Office of the Registrar of Tamilnadu Cooperative Societies, Kilpauk, Chennai.

(iv) The submission made by the learned Additional Government Pleader for the respondents 1 to 3 that the Managing Director is administering the society on day to day basis is hereby recorded.

(v) The 5th respondent undertakes that he will not interfere with the administration of the society, however, any suggestion if so advised, may be submitted to the Managing Director of the 4th respondent society.

(vi) It is open to the members of the society to approach the Managing Director for payment of their wages in accordance with law.

The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

vaan

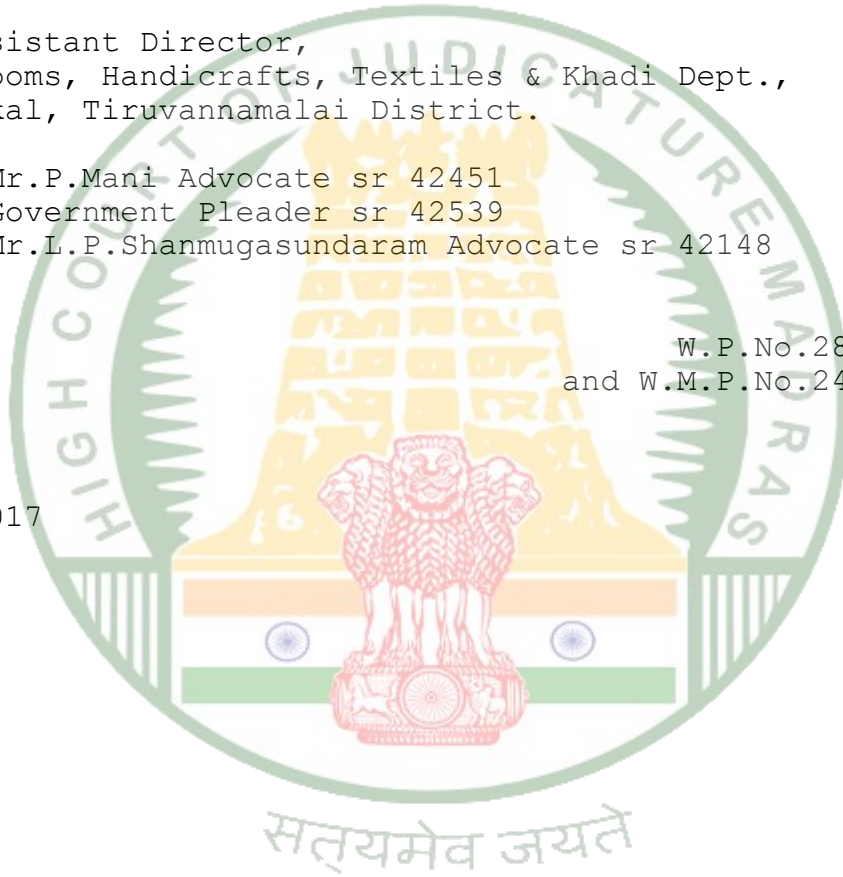
To

- 1 The Secretary,
State of Tamilnadu
Handlooms, Handicrafts, Textiles & Khadi Dept.,
Fort St. George, Chennai 600 108.
- 2 The Director,
Handlooms, Handicrafts, Textiles & Khadi Dept.,
Kuralagam, 2nd Floor,
Chennai 108.
- 3 The Assistant Director,
Handlooms, Handicrafts, Textiles & Khadi Dept.,
Venkikal, Tiruvannamalai District.

+1 cc to Mr.P.Mani Advocate sr 42451
+1 cc to Government Pleader sr 42539
+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 42148

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