

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.3754 of 2018

and

WMP.No.4583 of 2018

Sayammal

W/o.R.Natarajan

.. Petitioner

Vs.

1.The Assistant Director of Handlooms & Textiles
No.23, Bharathi Park, 2nd Cross Street,
Saibaba Colony, Coimbaore - 641 011.

2.The C.H.38, Mookanoor Sowdambigai Weavers
Handloom Weavers Co-op Society Ltd.,
Rep by Official Liquidator
Handloom Officer (Statutory)
O/o.The Assistant Director of Handlooms & Textiles
No.23, Bharathi Park, 2nd Cross Street,
Saibaba Colony, Coimbatore - 641 011.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order - cum - notice dispute 1/2000 dated Nil.02.2018 signed on 14.02.2018 passed by the 1st respondent and quash the same and consequently, direct the 1st respondent to permit the petitioner to engage advocates of her choice and defend her in the pending Sec.90 Arbitration Proceedings under the Provisions of the Tamil Nadu Cooperative Societies Act, on the file of the 1st respondent.

For Petitioner: Mr.K.Premkumar

For Respondents: Mr.L.P.Shanmugasundaram

Special Government Pleader

O R D E R

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the proceedings dated 14.02.2018, wherein and whereby the petitioner was called upon to appear for an enquiry on 22.02.2018, apart from rejecting her request for having the assistance of a Lawyer at the time of enquiry.

3. Heard both sides.

4. It is seen that the impugned proceeding is only a notice of enquiry. Therefore, this Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, which is the subject matter enquiry. However, the only grievance expressed by the petitioner before this Court is against the denial of the lawyer's assistance at the time of enquiry.

5. The learned counsel for the petitioner submitted that the proceedings before the first respondent is quasi judicial in nature and therefore, while adjudicating the Arbitration proceedings under Section 90 of the Tamil Nadu Cooperative Societies Act, the petitioner must be permitted to defend her side by engaging a Lawyer.

6. The learned Special Government Pleader for the respondents submitted that it is only an enquiry notice and therefore, the petitioner need not have any grievance. However, he fairly submitted that the petitioner can be permitted to assist the Lawyer at the time of enquiry.

7. Considering the above stated facts and circumstances and without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of, by directing the first respondent to permit the petitioner to have the assistance of the lawyer at the time of enquiry, as I find that no other valid reasons are stated in the impugned proceedings, for denying such assistance. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Assistant Director of Handlooms & Textiles
No.23, Bharathi Park, 2nd Cross Street,
Saibaba Colony, Coimbaore - 641 011.

2.The Official Liquidator
The C.H.38, Mookanoor Sowdambigai Weavers
Handloom Weavers Co-op Society Ltd.,
Handloom Officer (Statutory)
O/o.The Assistant Director of Handlooms & Textiles
No.23, Bharathi Park, 2nd Cross Street,
Saibaba Colony, Coimbatore - 641 011.

+1cc to Mr.K.Premkumar, Advocate sr.no.12736

+1cc to M/s.L.P.Shanmugasundaram, Advocate sr.no.13286(22/06/18)

W.P.No.3754 of 2018

nrk(co)
nr 21/02/2018



WEB COPY