

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3105 of 2010
and MP.Nos.1 and 2 of 2010

- 1 M/S.DEEPAM TEXTILES
REP. BY ITS PARTNER M.S.THANIHAI VELAN
NO.163 VEERABADRA STREET V.O.C. PARK ROAD
ERODE-638003.
- 2 R.MARAGATHAM
PROP: SHRI SAKTHI TEXTILES
REP. BY ITS PARTNER K.RAJENDRAN
NO.621 EVN ROAD ERODE- 638001.
- 3 M/S. SRI RAJAGANAPATHY COTTON WEAVING FACTORY
REP. BY ITS PARTNER V.SETTI KUMAR
NO.1/530 SUBASH NAGAR 3RD STREET
KATHERIPIRIVU KOMARAPALAYAM.
- 4 M/S.P.S.EXPORTS
REP. BY ITS PARTNER R.PUSHPAM NO.491/17
BANK STAFF COLONY (BEHIND CENTRAL JAI)
HASTAMPATTI SALEM-636007.
- 5 M/S. S.R.T. HI-TECH WEAVING
REP. BY ITS PARTNER S.THAGARAJU
M.P.THOTTAM ORUVAPATTI CHITHOOR POST
EDAPPADI TALUK
SALEM DISTRICT-637101.
- 6 M/S.SONY EXPORTS
REP. BY ITS PARTNER T.P.VENKATACHALAM
NO.70-A THATTANGKADU SANKARI (RS) POST
SALEM DISTRICT.
- 7 D.VIJAYALAKSHMI
PROP: VIJAYALAKSHMI RAPIER
NO.15/1 SOUTH COLONY POONGODI MILL ROAD
KOMARAPALAYAM- 638183.

- 8 M/S.SURYA & SHARMA RAPIER
REP. BY ITS PARTNER P.MURUGAN NO.15/1
SOUTH COLONY POONGODI MILL ROAD
KOMARAPALAYAM-638183.
- 9 R.BALA SUBRAMANIYAN
PROP: M.G.K. RAJAN FABS NO.47 J.K.K. ROAD
KOMARAPALAYAM NAMAKKAL DISTRICT-638183.
- 10 R.VENKATSAN
PROP: JAYAM TEX NO.3/468 GANAPATHYPALAYAM
OPP. J.K.K. NATARAJA COLLEGE VATTAMALAI
POST KOMARAPALAYAM-638183.
- 11 M/S.NARSHALL WARPING CENTRE
REP. BY PARTNER SELVARAJ NO.17/3A BHARATHI
STREET AMMAN NAGAR KOMARAPALAYAM NAMAKKAL
DISTRICT-638183.
- 12 M/S.THUGIIL
REP. BY ITS PARTNER R.JAGADEESAN NO.1-46(1)
ANBU ILLAM ODAKKATTUR POOLAMPATTI POST
EDAPPADI TALUK SALEM DISTRICT-637107.
- 13 M/S.SRI MUHUNTHA TEX
REP. BY ITS PARTNER S.JAGADEESH NO.20 C.H.
B COLONY STREET NO.1 TIRUCHENGODE
NAMAKKAL-637211.
- 14 M/S.A.NANJAPPA TEXTILES
REP. BY ITS PARTNER N.C.BHASKAR NO.15/2
SOUTH COLONY OLD POONGODI MILL ROAD
KOMARAPALAYAM-638183.
- 15 ASWATH NARAYANA
PROP: A.N.FABRICS NO.15/2 SOUTH COLONY
OLD POONGODI MILL ROAD KOMARAPALAYAM-638183.
- 16 M/S.N.R.HI-TECH FABRICS
REP. BY ITS PARTNER M.NALLA GOUNDER S/O.S.
MUTHU GOUNDER POOCHAMPATTI
VADUGAPATTI POST SANKARI TALUK
SALEM DISTRICT-637301.
- 17 M/S.N.K. HI-TECH FABRICS
REP. BY ITS PARTNER K.RAVI
S/O.S.KANDASAMY
RAYER KADU THANGAYUR POST
EDAPPADI TALUK
SALEM DISTRICT.

- 18 M/S. SHRI SAKTHI HI-TECH
FABRICS REP. BY ITS PARTNER N.AMSHAVAL
PERIYAVETTUKARAR KADU AVARANGAMPALAYAM
MAVELIPALAYAM POST SANKARI TALUK SALEM
DISTRICT.
- 19 M/S. SUN STAR HI-TECH TEXTILES
REP. BY ITS PARTNER A.THANGAMUTHU
KALLUKATTIYUR METTUPATTARAI SANYASIPATTI
POST SANKARI (WEST).

Vs.

- 1.Union of India
Rep. by its Secretary
Ministry of Textiles
Room No.129, Udyog Bhawan
New Delhi - 110 011.
- 2.Union of India
Rep. by its Secretary
Ministry of Finance
New Delhi - 110 001.
- 3.Union of India
Rep. by its Secretary
Ministry of Commerce and Industry
Room No.126-E, Udyog Bhawan, Rafi Marg
New Delhi - 110 011.
- 4.The Comptroller and Auditor General of India
Pocket - 9, Deen Days Upadhyaya Marg
New Delhi - 110 124.
- 5.Joint Secretary
Department of Expenditure
Ministry of Finance
Government of India
(PF-II-P) Room No.161, North Block
Udyog Bhawan, New Delhi - 110 011.
- 6.The Textile Commissioner
The Chairman, Project Approval committee
Cauvery Hi-Tech Weaving Park
Post Bag No.11500
Mumbai - 400 020.

- 7.The Local Level Monitoring Committee
Rep. by its Chairman
Cauvery Hi-Tech Weaving Park
NH-47, Salem Main Road,
Valayakaranur Post, Komarapalayam
Namakkal District.
- 8.The Reserve Bank of India
Rep. by its Executive Director
Central Office, Shaheed Bhagat Singh Road,
Mumbai - 400 001.
- 9.The Senior Manager
Canara Bank,
Mettur Main Road,
Bhavani, Erode District.
- 10.The Branch Manager,
Corporation Bank, Post Box - 29
No.58, Gandhiji Road, Erode - 638 001.
- 11.The Branch Manager
Corporation Bank, NH-47, Salem Main Road
Valayakaranur Post, Komarapalayam
Namakkal District.
- 12.Power Loom Development &
Export Promotion Council
Rep. by its Chairman
Ge-2, Ground Floor, Gundecha Onclave
Kherani Road, Saki Naka
Andheri (East), Mumbai - 400 072.
- 13.The Executive Engineer
Operation and Maintenance
The Tamil Nadu Electricity Board,
V.N.Palayam, Sankari,
Salem District.
- 14.The Cauvery Hi-Tech Weaving Park
Rep. by its Chairman,
NH-47, Salem Main Road,
Valayakaranur Post, Komarapalayam,
Namakkal District.
- 15.The project Co-ordinator
Cauvery Hi-Tech Weaving Park,
No.222, NH-47, Salem Main Road,
Valayakaranur Post, Komarapalayam,
Namakkal District.

16.R.P.P.constructions Pvt.Ltd
Rep. by its Director
102, Sheik Dawood Street,
Erode - 638 001.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to directing the respondents 1 to 3 to forthwith take over the 14th respondent and ensure the provision of the facilities offered under the TCIDS, TUFS and GWSS as well as the Brochure sponsored by the 12th respondent, the Power Loom Development and Export Promotion Council, Mumbai.

For Petitioners : Mr.S.Mukunth for M/s.Sarvabhauman Associates
For R1 to R6 : Mr.Velayutham Pichaiya
For R7,10 & 13 to 16 : No Appearance
For R9 : Mr.V.Adhivarahan
For R11 : Mr.S.Sethuraman
For R12 : Mr.K.S.Jeyagaresan

O R D E R

The prayer made in this writ petition is to issue a mandamus directing the respondents 1 to 3 to forthwith take over the 14th respondent and ensure the provision of the facilities offered under the TCIDS, TUFS and GWSS as well as the Brochure sponsored by the 12th respondent.

2.When the matter was taken up for consideration, the learned counsel for the respondents 1 to 6 has drawn the attention of this Court to the averments made in the counter affidavit filed by the respondents 1 and 6, particularly, paragraphs 3 and 6, wherein, it has been averred as follows:

"3. ...the petitioners herein are having their work sheds, already constructed under Group Work Shed Scheme of Government of India, in the Weaving Park, promoted by M/s.Cauvery Hi-Tech Weaving Park, Komarapalayam, Namakkal District in Tamil Nadu (the respondent No.14 herein), which has also been provided assistance under the Textiles Centre Infrastructure Development Scheme (TCIDS) of Government of India, based on the project submitted by the Implementing Agency and duly approved by the Project Appraisal & Approval Committee. Primarily, these petitioners have grievances against the management of the said M/s.Cauvery Hi-Tech Weaving Park for not providing

appropriate infrastructure. A brief note on the Hi-Tech Weaving Park, interalia giving facts of the M/s.Cauvery Hi-Tech Weaving Park, is also enclosed at Annexure-III. It is also submitted that assistance under the TCIDS is provided on reimbursement basis as admissible under the Scheme on the expenditure incurred on various components and ratified by the State Level Implementation Committee constituted by the State Government. So far an amount of Rs.11,03,06,276/- has been released by the Government of India, Ministry of Textiles, New Delhi (the first respondent herein) under the TCIDS to the said M/s.Cauvery Hi-Tech Weaving Park on the basis of the recommendation received from the Government of Tamil Nadu from time to time."

"6.It is further submitted that the petitioners have prayed before this Hon'ble Court to direct the respondents 1 to 3 to take over M/s.Cauvery Hi-Tech Weaving Park i.e., the 14th respondent herein. Under the TCIDS, the assistance is provided for infrastructure development and there is no provision in the Scheme to take over the infrastructure created with the assistance thereunder."

3.In the light of the averments so made in the counter affidavit filed by the respondents 1 and 6, this Court is of the opinion that no further order is required in this writ petition. Hence, the writ petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary, Union of India
Ministry of Textiles
Room No.129, Udyog Bhawan
New Delhi - 110 011.

- 2.The Secretary, Union of India
Ministry of Finance
New Delhi - 110 001.
- 3.The Secretary, Union of India
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Namakkal District.
- 8.The Executive Engineer
Operation and Maintenance
The Tamil Nadu Electricity Board,
V.N.Palayam, Sankari, सत्यमेव जयते
Salem District.

+1cc to Mr.K.S.Jeya Ganeshan, Advocate, S.R.No. 39794
+1cc to Mr.S.Sethuraman, Advocate, S.R.No. 39637
+1cc to Mr.K.Sumathi, Advocate SR.No.39066
+1cc to Mr.T.L.Thirumalaisamy, Advocate, S.R.No. 39070
+1cc to Mr.Sarvabhauman Associates, Advocate, S.R.No. 39061

W.P.No.3105 of 2010

CNR (CO)
GN (24/09/2018)