

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.27759 of 2018

The N.A.Dt. Ex-Servicemen Co-op.
Timber and Blacksmithy Workers
and Service Limited No.X.S.7
rep. by its President D.Rishikumar ... Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
'Kuralāgam', Chennai - 600 108.
2. The Regional Deputy Director,
Khadi and Village Industries Department,
Trichy.
3. The Assistant Director,
Khadi and Village Industries department,
No.22A, Chinna Allapuram,
Vellore - 632 001.
4. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Vellore District. सत्यमेव जयते ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to quash the order passed by the 3rd respondent in Na.Ka.No.3240/C/04 dated 19.09.2018 and direct the 3rd respondent to consider the resolution passed by the petitioner dated 18.09.2018.

For Petitioner : Mr.Karthick,
Senior Counsel for
M/s.KV Law Firm.

For Respondents : Mr.S.K.Bose,
Standing Counsel for R1,

Mr.R.Govindasamy,
Special Government Pleader
for R2 to R4

O R D E R

The writ petition has been filed challenging the order passed by the 3rd respondent in Na.Ka.No.3240/C/04, dated 19.09.2018, and to direct the 3rd respondent to consider the resolution passed by the petitioner dated 18.09.2018.

2. According to the petitioner, the petitioner is the president of the North Arcot Ex-Servicemen Co-operative Timber and Blacksmithy Workers and Services Society, earlier in a notice dated 12.07.2018, some allegations were levelled against the petitioner's society namely that, the accounts of the society was not jointly operated by the president and the vice president, that apart a sum of Rs.20,00,000/- has been withdrawn from the bank without permission of the respondents and also some irregularities in the sale of two acres of land belonging to the society. According to the petitioner on receipt of the showcause notice, the petitioner has sent a detailed reply on 17.09.2018, and on 18.09.2018 and without considering those replies the impugned order has been passed on the ground that the petitioner did not submit his explanation and prevented the petitioner from leasing out the building belongs to the society. Challenging the above notice the present writ petition has been filed.

3. The 1st respondent has filed a detailed counter affidavit stating that the alleged irregularities said to have been committed by the petitioner.

4. The learned senior Counsel appearing for the petitioner submitted that all the allegations are totally baseless, the petitioner has conducted the proceedings of the Society legally, and there is no irregularities as alleged by the respondents. Even the amount of

Rs.20,00,000/- was withdrawn from one Bank and deposited in another Bank and the Society sold the land as per the Government guideline value, the sale was also immediately approved by the Deputy Registrar.

5. I have considered the rival submissions and perused the records carefully.

6. On perusal of the record it is seen that a show cause notice was issued to the petitioner on 12.07.2018, for that a reply was also submitted by the petitioner on 17.09.2018 and 18.09.2018. It is also referred in the impugned order passed by the 3rd respondent. But without considering those reply and explanations the impugned order has been passed as if the petitioner did not submitted any explanation.

7. In the above circumstances without going to the merits of the case, I am inclined to set aside the impugned order passed by the 3rd respondent, and remand the matter back to 3rd respondent. The petitioner is directed to submit a fresh explanation before the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of his explanation the 3rd respondent is directed to conduct a detail enquiry, by giving a personal hearing to the petitioner and pass suitable orders within a period of four weeks thereafter.

8. The writ petition is disposed of with the above directions. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
'Kuralagam', Chennai - 600 108.

2. The Regional Deputy Director,
Khadi and Village Industries Department,
Trichy.

3. The Assistant Director,
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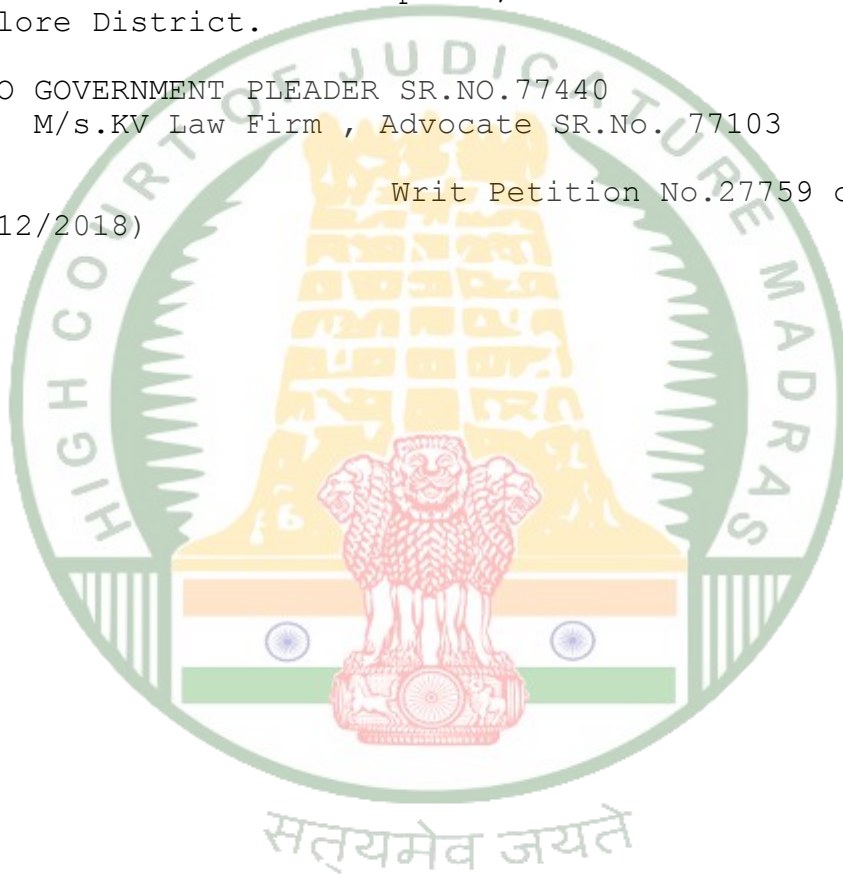
4. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Vellore District.

+1 CC TO GOVERNMENT PLEADER SR.NO.77440

+1cc to M/s.KV Law Firm , Advocate SR.No. 77103

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ASK(04/12/2018)



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