

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.9905 of 2019

S.Karthigeyan

.. Petitioner

Vs.

1. The Commissioner and
Central Registry,
Khadi Village Industrial Commission,
Gramodaya, 3, IRLA Road, Vile Parle (W),
Mumbai - 400 056.

2. The Hon'ble Director and
Industrial Commission KVIC,
No.126, Avail Shanmugam Salai,
Gopalapuram, Chennai - 600 086.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the 1st respondents to take suitable action on the petitioner's representation dated 31.01.2019 and verify the accounts of the Tirupathur Sarvodya Sangh by appointing an independent Auditor and constitute an Enquiry Committee and examine the illegal activities of the 2nd respondent herein.

For Petitioner : Mr.P.Wesley Isaac

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Claiming himself to be a public interest litigant, Mr.S.Karthigeyan, has
filed the instant writ petition for issuance of a Writ of Mandamus, directing the

Commissioner and Central Registry, Khadi Village Industrial Commission, Mumbai, the 1st respondent herein to take suitable action on his representation dated 31.01.2019 and verify the accounts of the Tirupathur Sarvodya Sangh by appointing an independent Auditor and constitute an Enquiry Committee and examine the illegal activities of the Hon'ble Director and Industrial Commission KVIC, Chennai, the 2nd respondent herein.

2. Petitioner has sent a representation dated 31.01.2019 to the Commissioner and Central Registry, Khadi Village Industrial Commission, Mumbai, and to the Director and Industrial Commission KVIC, Chennai, respondents herein.

3. Petitioner has contended that on receipt of the representation dated 31.01.2019, the Commissioner and Central Registry, Khadi Village Industrial Commission, Mumbai, 1st respondent has sent a communication dated 04.02.2019, requesting the petitioner to vouch the genuineness of the complaint. On 14.02.2019, the petitioner sent a reply stating that he is ready and willing to produce all the documents, through his counsel and co-operate with the authorities to find the truth. Thereafter, there was no further response from the respondents. Alleging that the respondents are adopting dilatory tactics with an ulterior motive and malafide intention, petitioner has filed the instant writ petition for the relief stated supra.

4. Averments made in the supporting affidavit are the extracts of the representation dated 31.01.2019. For brevity the same is reproduced.

"1. I am the resident of Kannigapuram, Anaikattu Taluk, Vellore District. I am interested in the wellbeing of Thirupattur Sarvodaya Sangh certified by Khadi and Village Industries Commission, Government of India. It is registered under Societies Act bearing Regn. No. 52/1989 and issued with ISO Certificate No. ISO 9001:2015. The Sangh is established with the sole motive to protect the Khadi and the weaving community as excemcerated in the object of the Act. It is to my shock and surprise several illegal activities are carried on with the sole motive of earn money illegally and to destroy the Sangh.

2, I have raised several allegations with documentary and oral evidence and pleaded with the concerned superiors to mend their ways and protect the Sangh. It was all in vain. Hence I am constrained to place the following allegation before your goodself to call for the records and verify the veracity of the allegations leveled against the Sangh I am ready-and willing to place all the materials and documents if I am called for an enquiry. I am ready and willing to appear in person my aim is not to wreck vengeance. It is only a bonafide claim my aim is not publicity oriented it is in the interest of the general public and in the interest of the Sangh.

3. The sole and primary objective of the Sangh is to encourage hand weaving weavers and to help their livelihood and their sustenance but in this Thirupattur Sarvodaya Sangam Silk Sarees manufactured by power-looks utilizing electrical energy is procured in large scale by the persons in charge of the Sangh the President and the Secretary. Further low grade sarees are procured false bills and vouchers are tarsid. Artificial Silk sarees are sold in the Sangh. Hand Weaver Sarees are nor procured and sold. In this process lot of money is swindled Hand-loom Weavers are not encouraged. It is on their own accord the rates of the sarees manufactured by Power-loom are hiked and sold at an highest

rate to the general public and thereafter reduction to the extent of 30% is given without prior permission from the concerned authority. Hand Weaven sarees are not procured and sold by the Sangh instead other sarees are sold at a higher rate and thus the general public is cheated.

4. Benami Weavers are created false accounts and created false bills and vouchers are created and in that process huge amount is swindled. No genuine hand weaven weavers are involved. Some weavers who are not weavers and they are shown as weavers agent and as if some 25 & 35 weavers are working under them such record is created only to help persons of their chorai false incentive and false bills and raised and the money is misappropriated The Auditor who is duty bound to verify all these facts and figures turns a blind eye to all the misappropriation for reasons best known to them.

5. The President R. Selvathirupathy, the Secretary C. Logeswaran and the Cashier V. Purushothaman without prior permission from the general body and in violation of the Sangh Rules misappropriated lakhs of rupees. A genuine Auditor can find this illegal activity. The President R. Selvathirupathi is in charge of production of the Silksarees-Hand Weaven and he is also the examiner whether the saree is hand weaven or artificial he misuses his power to a greater extent. His sole aim is to misappropriate and is not interested in the well being and welfare of the Sangh.

6. Further in violation of the Sangh Rules Electronic goods are poused and sold and the bills are shown as if wooden and steal furnitures are sold. Bills are created as if wooden and steel furnitures made by local carpenters are sold. In fact only electronic items of big companies are sold.

7. The President R. Selvathirupathi in violation of the Rules his wife is illegally shown as a weaver in his own house power-looms are set up and electricity is utilized from his own house and artificial spinning yam threads are made and they are procured and return back to Khadi. It is only a death knell to the genuine handloom weaver. Most of the bills

are amended altered and thus lot of money is misappropriated.

8. Clothes from Mills are procured in violation of the rules and they are sold in the branches of Sangh and for procuring clothes from Mills heavy commission is paid to the persons in charge of the Sangh by Mill owners, Corporates items are sold rice procured from modern rice mill, oil, tooth paste, cosmetic items from multinational companies are sold. This illegal act is in violation of the objects. The aim of the Sangh is to protect the handloom weavers and village industry.

9. The Sangh administration has given 3 crore debt to various Khadi Manufacturers it is not genuine most of them are benamies if the accounts are verified by an independent auditor truth will come to light and how the loans are disbursed to fake Khadi Manufacturers instead of genuine Khadi Manufacturers.

10. The balance sheet and the other documents are not shared with the employees of the Sangh with an ulterior motive and employees who do not act in consonance with their illegal act are punished and penalized. In about 20 employees accounts MDA MMDA amounts are credited from K.V.I.C. and thereafter the said amount is taken from the said employees and they are misappropriated Bills are not given, for the same. They utilise the said amount for their own use genuine enquiry would reveal the misappropriation of KVIC amount.

11. The records are not maintained properly and the bills and vouchers are amended altered willfully with a sole intention to misappropriate. The Auditors are turning a blind eye to the entire episode.

The object of the Sangh and aim of the Sangh is to encourage Handloom weavers genuine Khadi Craft Workers and Village Industries created under name of the father of the Nation Mahatma Alasi, nothing is done protect his name. It is only illegal activity and misappropriation. Hence kindly do the needful and protect the Sangh.

5. When attention of the learned counsel for the petitioner was invited to the fact that the averments are not supported with any materials to satisfy the test of public interest litigation and when action on the representation of the petitioner dated 31.01.2019 has been taken by the State Director, Khadi and Village Industries Commission, Chennai and vide letter dated 04.02.2019, petitioner has been requested to confirm the genuineness of the complaint dated 31.01.2019 as well as to arrange to forward evidences if any available so that the office of the State Director, Khadi and Village Industries Commission, Chennai, shall initiate suitable action as deemed appropriate, and when the petitioner has simply sent a letter dated 14.02.2019, expressing his ready and willingness to cooperate and forward all evidence to the State Director, Khadi and Village Industries Commission, Chennai, Mr.P.Wesley Isaac, learned counsel for the petitioner submitted that there was no further communication from the Directorate and therefore, the petitioner could not submit the same. He submitted that by Monday, evidences would be produced and sought permission to withdraw the writ petition.

6. Heard Mr.P.Wesley Isaac, learned counsel for the petitioner and perused the materials available on record.

7. From the narration of facts, it could be deduced that action on the complaint dated 31.01.2019 of the writ petitioner alleging certain irregularities

in the functioning of Thirupattur Sarvodaya Sangh, has been taken on 14.02.2019. The State Director, Khadi and Village Industries Commission, Chennai, has responded to the complaint, as hereunder.

No. SOT/XII/Online Redressal Grievances/2018-19/3388

To

Date: 04-2-2019

Shri.S.Karthigeyan,B.E., LLB
Makkal Needhi Majam Member,
KannigapuramVillage,
Odhiyathur -Post,
Pallikonda-Via,
Vellore-Dt. 635809

Sub: Complaint alleging irregularities in the functioning of
Tirupathur Sarvodaya Sangh certified by Khadi and Village
Industries Commission reg.

Ref: Your letter no. nil.dt.31-01-2019.

Sir,

Your letter alleging irregularities in the functioning of Tirupathur Sarvodaya Sangh has been received by this office. You are hereby requested to kindly confirm genuineness of the complaint as well as arrange to forward evidences if any available so that this office can initiate suitable action as deemed appropriate.

Your confirmation letter on the complaint should reach this office within 15 days of receipt of this letter.

Your kind cooperation is solicited on the matter.

Encl. As above.

Yours faithfully
sd/-

(K.S.Lakshminarayanan)
State Director

8. Reading of the above letter dated 04.02.2019, makes it clear that the

State Director, Khadi and Village Industries Commission, Chennai, wanted to

ascertain the genuineness of the Complaint and requested the petitioner to arrange to forward the evidences, if any, so that the State Director, Khadi and Village Industries Commission, Chennai, could initiate suitable action, as deemed appropriate. The State Director, Khadi and Village Industries Commission, Chennai, has requested that confirmation on the complaint should reach his office within 15 days of receipt of the letter dated 04.02.2019.

9. After receiving the letter dated 04.02.2019, petitioner seemed to have sent a letter dated 14.02.2019 stating that he is ready and willing to produce the documents substantiating the claims levelled against Thirupattur Sarvodaya Sangh. He is ready and willing to cooperate with the State Director to find out the truth and to protect the well being of the Sangh.

10. Letter dated 14.02.2019 of the writ petitioner, addressed to the State Director, Khadi and Village Industries Commission, Chennai, is reproduced.

Respected Sir,

Ref: No. SOT/XII/Online Redressal Grievance/20i8-19/3388,
dated 04.02.2019.

Sub: Ready and filling to furnish Evidence and Depose.

In pursuance of your communication dated 04.02.2019 I am ready and willing to produce the documents to substantiate the claim leveled against Thirupattur Sarvodaya Sangh. I am ready and willing to cooperate with you to find the truth and do the needful and to protect the wellbeing of the Sangh.

Awaiting for your reply.

Thanking you,

Yours.
Sd./-
(S. Karthikeyan)

11. Though the State Director, Khadi and Village Industries Commission, Chennai, has requested the petitioner to forward the evidence to the Directorate, to take suitable action as deemed appropriate, without forwarding the evidence available, within 15 days, petitioner in his supporting affidavit has alleged that there was no response from the respondents, but they are adopting dilatory tactics with ulterior motive and malafide intention.

12. No reasons have been assigned to attribute malafide against respondents and for the allegations on dilatory tactics. Petitioner who has received the communication dated 04.02.2019, has not submitted any evidence to 1st respondent. Nothing prevented him from submitting evidence, if any, available with him. As stated supra, even before this Court, petitioner has not filed even a scrap of paper substantiating the averments made in the supporting affidavit. Petitioner has made baseless allegations against the respondents, as they are adopting dilatory tactics with an ulterior motive and malafide intention. On the other hand, bonafides of the 1st respondent that on verification of genuineness of the complaint and evidence, appropriate action would be taken, is evident.

13. A Division Bench of this Court in WP No.3666 of 2019 between Kongu Nadu Saandror Kula Nadar Munnetra Sangam, rep. by its President Vs. State, rep. by the Chief Secretary, Fort St. George, Chennai and 3 others, dated 07.02.2019, authored by Hon'ble Mr. Justice Subramonium Prasad, has summarised the legal pronouncements of the Hon'ble Supreme Court on public interest litigations, which we deem it fit to reproduce.

4. Of late, we can notice a growing trend in the abuse of public interest litigation. Public Interest Litigation was intended to secure the justice for poor and the weaker section of the community, who were not in a position to protect their own interests.

5. The Hon'ble Supreme Court, has time and again, observed that there is, in recent years, a feeling which is not without any foundation that public interest litigation is now tending to become publicity interest litigation or private interest litigation and has a tendency to be counterproductive. PIL is not a pill or a panacea for all wrongs. It was essentially meant to protect basic human rights of the weak and the disadvantaged and was a procedure which was innovated where a public-spirited person files a petition in effect on behalf of such persons who on account of poverty, helplessness or economic and social disabilities could not approach the court for relief. {Refer **BALCO EMPLOYEES' UNION (REGD) Vs. UNION OF INDIA AND OTHERS {2002 (2) SCC - 333}**}.
 नैतिकमव जयते

6. The present writ petition cannot be said to be in public interest. This petition seems to be purely motivated by a desire to seek publicity. In fact, the Hon'ble Supreme Court, has held that by filing vexatious and frivolous petitions, the queue standing outside the doors of the Court never moves which piquant situation creates frustration in the minds of the genuine litigants and resultantly, they lose faith in the administration of judicial system.

7. A reading of instant writ petition would show that there is

nothing in this petition which can be said in public interest. It does not advance any cause of the poor and down trodden. ..."

14. Petitioner has not responded to the State Director. Mr.P.Wesley Isaac, learned counsel seeks permission to withdraw the writ petition. Court's time is wasted. Hence, writ petition deserves to be dismissed with costs. Accordingly, instant writ petition is dismissed with costs, which we quantify at Rs.10,000/-[Rupees Ten Thousand Only], to be paid by the petitioner to the account of *Juvenile Justice Fund, Director of Social Defence, Ministry of Social Welfare, Government of Tamilnadu, Kellys, Kilpauk, Chennai-600 010*, within a period of fifteen days from the date of receipt of a copy of this order, failing which, the District Collector, Vellore District, is directed to take action for recovery, under the Tamil Nadu Revenue Recovery Act, 1864.

(S.M.K., J.) (S.P., J.)
29.03.2019

Note to office:

Registry is directed to send a copy of this order to the District Collector, Vellore District, for suitable action in case of default.

Index: Yes / No

Internet: Yes / No

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S.MANIKUMAR, J.
AND
SUBRAMONIUM PRASAD, J.

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To

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