

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.13321 of 2019
and
W.M.P.No.13433 of 2019

S.Raji

... Petitioner

Vs.

- 1.The Principal Secretary
Industries Commissioner,
Department of Industries and Commerce,
Thiru Vi. Ka. Industrial Estate,
Guindy,
Chennai - 600 032.
- 2.Mr.K.M.V.Manivannan,
Additional Director (Industrial Co-operative),
Office of the Industries and Commerce,
Guindy,
Chennai - 32.
- 3.The Anna Auto Transport Drivers
Industrial Co-operative Society Ltd.,
Rep. by its Secretary,
No.242, Royapettah High Road,
Royapettah,
Chennai - 600 014.
- 4.The Board of Directors,
The Anna Auto Transport Drivers
Industrial Co-operative Society Ltd.,
Rep. by its President,
No.242, Royapettah High Road,
Royapettah,
Chennai - 600 014.
- 5.Mr.Kumarakurubaran,
Deputy Director (Industrial Co-operatives),
Guindy,
Chennai - 600 032.

6.Shobana,
Secretary,
The Anna Auto Transport Drivers
Industrial Co-operative Society Ltd.,
No.242, Royapettah High Road,
Royapettah,
Chennai - 600 014.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 25.03.2019.

For Petitioner : Mr.F.B.Benjamin George
For R1, R2 & R5 : Ms.T.Girija,
Government Advocate

For R3, R4 & R6 : Mr.L.P.Shanmugasundaram

ORDER

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the first respondent to consider the representation of the petitioner dated 25.03.2019.

2.The short ground raised in the present writ petition is that on 22.03.2019, the second respondent issued summons to the petitioner under Section 81 of the Tamil Nadu Co-operative Societies Act, to appear before the second respondent on 28.03.2019. The petitioner made a request to the first respondent to change the Enquiry Officer and also requested the second respondent to adjourn the proceedings by two months citing the health reasons. The second respondent again issued another summons to the petitioner under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983, calling upon the petitioner to appear before the second respondent on 08.04.2019, without considering the request made by the petitioner dated 25.03.2019. The above said representation has not been considered. Therefore, the petitioner filed the present writ petition before this Court.

3.The learned Special Government Pleader appearing for the respondents would submit that the present writ petition shall not be stalled for making a request to change the Enquiry Officer. Without prejudice to the rights of the petitioner, the same shall be considered in view of the facts and circumstances of the case.

4.By considering the limited scope of the prayer in the Writ Petition, without going into the merits of this case, this court is inclined to direct the first respondent to consider the petitioner's representation dated 25.03.2019, on merits and in accordance with law, as early as possible, within a period of ten days from the date of receipt of a copy of this Order. In the mean time the enquiry proceedings initiated by the second respondent shall kept in abeyance, till the final order passed by the first respondent.

5.The Writ Petition is disposed of with the above directions. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary
Industries Commissioner,
Department of Industries and Commerce,
Thiru Vi. Ka. Industrial Estate,
Guindy,
Chennai - 600 032.

2.Mr.K.M.V.Manivannan, सतयमेव जयते
Additional Director (Industrial Co-operative),
Office of the Industries and Commerce,
Guindy,
Chennai - 32.

3.The Anna Auto Transport Drivers
Industrial Co-operative Society Ltd.,
Rep. by its Secretary,
No.242, Royapettah High Road,
Royapettah,
Chennai - 600 014.

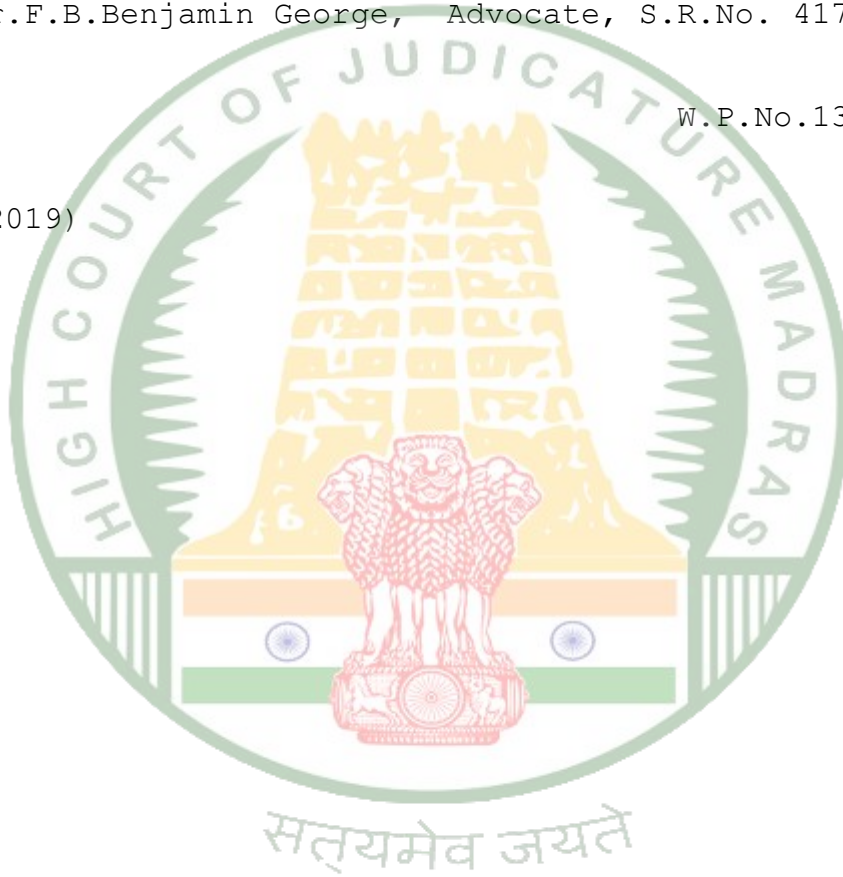
4.The Board of Directors,
The Anna Auto Transport Drivers
Industrial Co-operative Society Ltd.,
Rep. by its President,
No.242, Royapettah High Road,
Royapettah,
Chennai - 600 014.

5.Mr.Kumarakurubaran,
Deputy Director (Industrial Co-operatives),
Guindy, Chennai - 600 032.

+1cc to Mr.F.B.Benjamin George, Advocate, S.R.No. 41768

W.P.No.13321 of 2019

VBA (CO)
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