

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.11794 of 2020

AL.Khavyaasri

.. Petitioner

-Vs-

1. The Director,
Handloom and Textiles Department,
Kuralagam, Chennai.
 2. The Assistant Director of Handloom and Textiles,
No.426, Bhavani Main Road, Erode.
 3. The President,
CH-2, Chennimalai Siragiri Murugan Handloom
Weavers Cooperative Production and Sale Society,
No.57, East New Street, Chennimalai - 638 051,
Erode District.
 4. K.R.P.Thambiduri,
Director,
CH-2, Chennimalai Siragiri Murugan Handloom
Weavers Cooperative Production and Sale Society,
No.57, East New Street, Chennimalai - 638 051,
Erode District.
 5. N.Gowri,
Director,
CH-2, Chennimalai Siragiri Murugan Handloom
Weavers Cooperative Production and Sale Society,
No.57, East New Street, Chennimalai - 638 051,
Erode District.
- .. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to conduct a detail enquiry in regarding with irregularities committed by the respondents 3 to 5 in the 3rd respondent Society by appointing the enquiry officer not below rank of the Joint Director of Handloom and Textiles, by assisting higher police officials and take further action on the basis of such report.

For Petitioner : Ms.R.Hemalatha

For Respondents: Mr.L.P.Shanmugasundaram (for R1 & R2)
Spl. Govt. Pleader (Co-op.)

O R D E R

This matter is taken up through web hearing.

2. The writ petition has been filed seeking for the following prayer:

"for issuance of Writ of Mandamus, directing the 1st respondent to conduct a detail enquiry in regarding with irregularities committed by the respondents 3 to 5 in the 3rd respondent Society by appointing the enquiry officer not below rank of the Joint Director of Handloom and Textiles, by assisting higher police officials and take further action on the basis of such report."

3. The case of the petitioner is that she is an employee of the 3rd respondent's Society and according to her, respondents 3 to 5 have been committing serious irregularities and for which no action was taken against them by the 1st respondent. Therefore, she is before this Court seeking direction to the 1st respondent to conduct a detailed enquiry in regard to the irregularities committed by the respondents 3 to 5.

4. In the affidavit filed in support of the writ petition, the petitioner has stated plethora of facts in regard to the functioning of the Society and financial falsification of accounts and misappropriation of funds. According to the petitioner, earlier enquiries were held and she had also given evidence. But, ultimately, no effective action has been taken against the respondents 3 to 5. She has also mentioned about the President being arrested for some criminal offences and likewise many averments have been made in the affidavit. In one of the paragraphs she has stated that the respondents 3 to 5 have advanced Rs.65 Lakhs to her husband and he also expired, recently.

5. The facts as narrated in the affidavit are completely disjointed, incoherent and jumbled up. However, this Court is able to comprehend that the petitioner appears to be having an axe to grind against respondents 3 to 5 and she appears to have nurtured grudge against them in respect of several transactions in the functioning of the Society.

6. This Court on the basis of the self serving averments cannot entertain the writ petition and issue any direction as prayed for. In case the petitioner is aggrieved by any irregularities committed by either the respondents 3 to 5 or anyone else, it is open to the petitioner to approach the authorities concerned for taking action. However, it is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court, under Article 226 of the Constitution of India, for issuing a direction as sought in the writ petition.

7. On the whole, this Court could very well assume from the averments as contained in the writ petition that the petitioner herself was not certain about several facts relating to the functioning of Society, being the Manager of the Society and also she had mentioned several unconnected facts like somebody committed suicide, someone died and somebody being arrested.

8. This Court is unable to take any cue from the jumbled up averments of the petitioner in order to understand the grievances of the petitioner. But, however, this Court is convinced that the litigation is motivated and lacks in bonafides and therefore, this Court has to necessarily dismiss the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director,
Handloom and Textiles Department,
Kuralagam, Chennai.
2. The Assistant Director of Handloom and Textiles,
No.426, Bhavani Main Road, Erode.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, Sr.No.28436
+1cc to the Special Government Pleader (Co-Op) Sr.No.28477

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rsv(co)
rr ii (15/09/2020)