

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.12748, 12750, 12751 & 12752 of 2020 (4 W.Ps.)

R.Duraisamy
Son of Rasappagounder
34/2 D Kittampalayam,
Sulur,
Coimbatore - 641 659 ...Petitioner in W.P.12748/2020

S.Suresh Kumar
17/96E Karumathampatti Village,
Main Road, Sulur,
Coimbatore - 641 659 ...Petitioner in W.P.12750/2020

R.Prasanth
S/o Raju 393, Pollachi Road,
P.Vadugapalayam, Palladam,
Tiruppur - 641 664 ...Petitioner in W.P.12751/2020

Subramaniam Ramaswamy,
S/o Ramasamy
17/96E, Karumathampatti Village,
Main Road,
Sulur,
Coimbatore - 641 659 ...Petitioner in W.P.12752/2020

Vs.

1. The Textile Commissioner,
Government of India, सत्यमेव जयते
Ministry of Textiles,
No.48, Vithaldas Thackersey Marg,
NishthaBhavan,
Mumbai.

2. The Deputy Director (Officer in charge),
Regional Office of the Textile Commissioner,
Chinthamani Super Market Complex,
MTP Road, R.S.Puram Post, 2nd Floor,
Coimbatore.

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3. The Assistant Director,
Power Loom Service Centre, (PSC),
SITRA No.24, Nachimuthu Street,
Ganesh Puram, Somanur,
Coimbatore.

...Respondents in all W.Ps.

Prayer:

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondents 2 and 3 to grant 50% of the subsidy amount to the petitioners for up-gradation of their power looms under the "modified In Situ Up gradation Scheme for plain power looms" by considering their respective format II application bearing Number : INS20191412 dated 13.07.2018, INS20192199 dated 12.09.2018, INS20192207 dated 12.09.2018 & INS20192198 dated 12.09.2018 and followed by a representation dated 10.02.2020, 11.02.2020, 11.02.2020 & 11.02.2020 respectively within stipulated time fixed by this Court.

For Petitioner

in all W.Ps. : Mr.K.Mylsamy

For Respondents

in all W.Ps. : Ms.A.Anuradha

Standing counsel for R1 and R2

Mr.R.Govindasamy for R3

Special Government Pleader

COMMON ORDER

These matters are taken up for hearing through Video Conferencing mode.

2. These writ petitions are filed seeking for the above said relief.

3. Heard the learned counsel for the petitioners and Ms.A.Anuradha, the learned Standing counsel, who takes notice for the respondents.

4. It is stated that these petitioners are small weavers and their only source of income is from weaving. It is further stated that the Government of India introduced a Scheme called "Technology Upgradation Fund Scheme (TUFS) and further introduced a "Modified In-Situ Upgradation Scheme for Plain Power Looms and SSI Power Loom Sectors". It is further stated that quantum of subsidy is fixed under the "Modified In-Situ Upgradation Scheme" to the weavers is 50% for general category person, per loom from the total cost of upgradation. Accordingly, it is further stated that these petitioners planned

to upgrade their plain looms into automatic loom as per "Modified In-Situ Upgradation Scheme". Therefore, they applied for availing subsidy amounts for upgradation of their looms. These petitioners belong to general category and therefore, it is stated that they are eligible for 50% subsidy. It is further stated that though the second respondent has issued an "In principle approval" as early as on 21.05.2018, 07.08.2018, 07.08.2018 & 07.08.2018 respectively the said subsidy has not been provided to the petitioners so far. Therefore, they made their respective format II applications before the respondents followed by another representation dated 10.02.2020, 11.02.2020, 11.02.2020 & 11.02.2020 respectively, seeking for disbursement of subsidy. Since these representations have not been considered so far, these petitions are filed before this Court.

5. It is seen that the petitioners have already approached the respondents and made their application for granting subsidy and that those applications were not considered so far. Therefore, these petitioners have made their representations seeking for considering their claim. At this juncture, this Court is not expressing any view on the merits of the claim made by the petitioners, as it is for the respondents 1 and 2 to consider their representations and pass orders on those applications as well as representations on merits and in accordance with law.

6. Accordingly, these writ petitions are disposed of only by directing the respondents 1 and 2 to consider their respective format II applications followed by representations of the petitioners dated 10.02.2020, 11.02.2020, 11.02.2020 & 11.02.2020 respectively, for grant of subsidy and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioners. Such exercise shall be done by the respondents 1 and 2 within a period of six weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Textile Commissioner,
Government of India,
Ministry of Textiles,
No.48, Vithaldas Thackersey Marg,
NishthaBhavan,
Mumbai.

2. The Deputy Director (Officer in charge),
Regional Office of the Textile Commissioner,
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MTP Road, R.S.Puram Post, 2nd Floor,
Coimbatore.

3. The Assistant Director,
Power Loom Service Centre, (PSC),
SITRA No.24, Nachimuthu Street,
Ganesh Puram, Somanur, Coimbatore.

+4cc to M/s.A.Anuradha, Advocate in
SR.NO..29948, 29949, 29950, 29951

+1cc to Mr.K.Myilsamy, Advocate in SR.NO..30061

W.P.Nos.12748, 12750, 12751
& 12752 of 2020 (4 W.Ps.)

VG-II (CO)
RV (30/9/2020)



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