

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.12636, 12638, 12640, 12641, 12642 & 12644 of 2020 (6 WPs)

Thamarai Selvi Subramaniam,
Wife of Subramaniam,
SF.No.830 2, Avinashi Road,
Karumathampatty, Sulur,
Coimbatore.

...Petitioner in W.P.12636/2020

D.Santhi
Wife of Duraisamy
34/2 D Main Road, Kittampalayam,
Sulur, Coimbatore - 641 659

...Petitioner in W.P.12638/2020

R.Sunil Kumar,
S/o Ravi
1/165, Thottipalayam,
Karavalimadhapuram,
Palladam, Tiruppur.

...Petitioner in W.P.12640/2020

M.Vishnuprabhu.
S/o Marusamy
2/34 C4, Puvavan Thottam,
Arumuthampalayam,
Tiruppur - 641 661.

...Petitioner in W.P.12641/2020

T.Ramachandran,
S/o Thangavel
2/34 C4, Pulavan Thottam,
Arumuthampalayam,
Tiuppur - 641 664.

...Petitioner in W.P.12642/2020

T.Karthika
W/o Thangavel,
8/198 D.Semmandampalayam,
Sulur, Coimbatore - 641 688

...Petitioner in W.P.12644/2020

.Vs.

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,
Chinthamani Super Market Complex,
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.

...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 : INS20192201 dated 12.09.2018, INS20191413 dated 20.11.2018, INS20193836 dated 20.11.2018, INS20180652 dated 09.02.2018, INS20180626 dated 14.02.2018 & INS20193830 dated 20.11.2018 and followed by a representation dated 11.02.2020, 11.02.2020, 11.02.2020, 10.02.2020, 10.02.2020 & 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 07.08.2018, 29.05.2018, 22.10.2018, 31.10.2017, 31.10.2017 & 30.10.2018 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 11.02.2020, 11.02.2020, 11.02.2020, 10.02.2020, 10.02.2020 and 11.02.2020, 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 11.02.2020, 11.02.2020, 11.02.2020, 10.02.2020, 10.02.2020 and 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

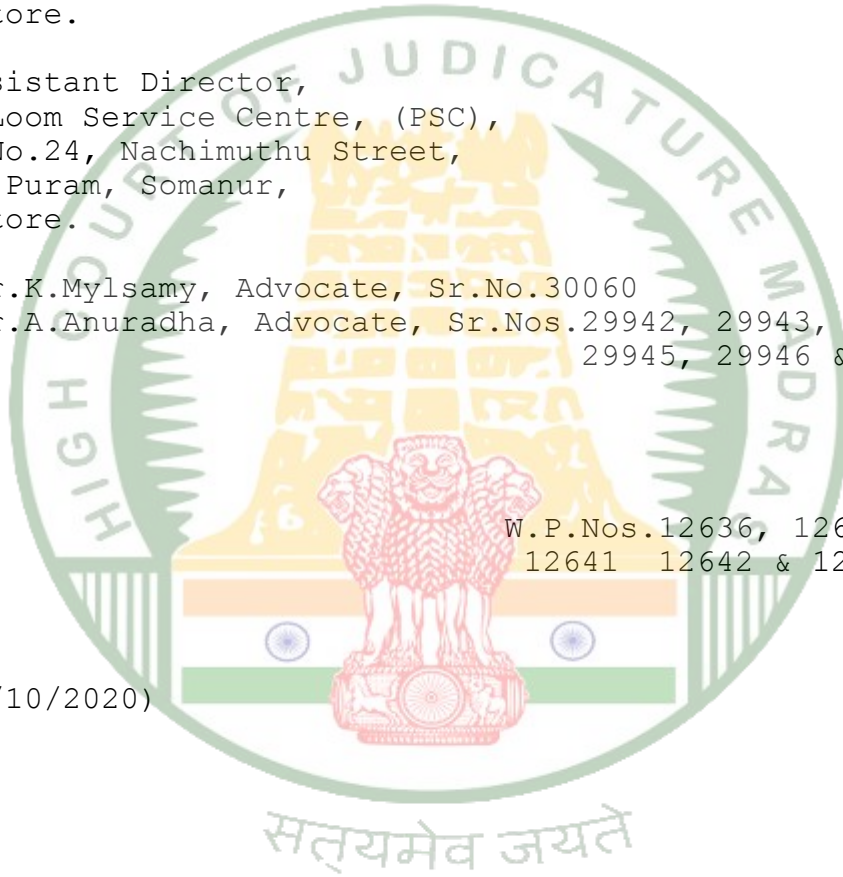
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Ganesh Puram, Somanur,
Coimbatore.

+1cc to Mr.K.Mylsamy, Advocate, Sr.No.30060

+6cc to Mr.A.Anuradha, Advocate, Sr.Nos.29942, 29943, 29944,
29945, 29946 & 29947

W.P.Nos.12636, 12638, 12640,
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(6 W.Ps.)

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