



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.(PD).No.781 of 2019  
and  
C.M.P.No.5136 of 2019

G.S.Velayutham

...Petitioner

Versus

1. The Deputy Director of Handlooms and Textiles  
O/o.The Deputy Director of Handlooms and Textiles,  
D.No.407, IV Floor, Collectorate Buildings,  
Salem-636 001, Salem District.
2. The Administrator, Salem District,  
Co-operative Spinning Mills,  
Kamarajar colony, Ammapettai Post,  
Salem District.

..Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 30.11.2018 made in I.A.No.81 of 2018 in CMACs.No.07 of 2012 on the file of the Principal District Judge, Salem by allowing this Civil Revision Petition.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : **\*M/s.Dr.S.Suriya,**  
**Additional Government Pleader (CS)**  
**for R1**

: Mr.L.P.Shanmugasundaram for R2

ORDER

The petitioner is challenging the order passed by the learned trial Judge in I.A.No.81 of 2018 in CMACs.No.7 of 2012 pending before the learned Principal District Judge, Salem.



WEB GATES

2. As per the contention of the petitioner, he filed an application to send for certain documents from 2<sup>nd</sup> respondent which are necessary for him to establish his case. But, without considering this defence, the learned trial Judge erroneously dismissed the application. Hence he prays to set aside order passed by the learned trial Judge by allowing this petition.

3. The petitioner is the appellant in main CMACs.No.7 of 2012, against the surcharge order passed by the Deputy Director of Handloom and Textiles dated 15.05.2012 mere about after 6 years, he filed this petition. Hence, the learned trial Judge has not accepted this contention. But, the facts reveal that the said CMA was arisen due to the surcharge order passed by the Deputy Director of Handloom and Textiles.

4. The contention of the petitioner is that the documents, which he sent relating to the year of 1992 - 1996 through which, he could establish these days, because surcharge order is related to that period. But, the trial Court observed that those documents are more than 25 years old, which are not readily available. But without getting any reply from the 2<sup>nd</sup> respondent report, the trial Court should not have such a presumption. Hence to avoid multiplicity of proceedings and to prove his defence, this Court is inclined to allow this revision petition by setting aside the order passed by the learned Principal District Judge, Salem, dated 30.11.2018 made in I.A.No.81 of 2018 in CMACs.No.07 of 2012.

5. Accordingly, this Civil Revision Petition is allowed. The 2<sup>nd</sup> respondent is directed to produce the documents claimed by the petitioner, if any, within a period of four months from the date of receipt of a copy of this order, thereafter the trial Judge is directed to dispose the case within a period of three (3) months. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

Dated: 30/12/2021

**\* Amended as per the letter  
dated 21/01/2022.**

//True Copy//

Sub Assistant Registrar

rri



To

The Principal District Judge,  
Salem.

Copy To

The Section Officer,  
V.R.Section,  
High Court of Madras.

+lcc to Mr.R.Marudhachalamurthy,  
Advocate, S.R.No.54988

+lcc to the Government Pleader (CS), S.R.No.55524

**\*Amended order to  
be substituted  
for the order  
already despatched  
on 21.01.2022.**

C.R.P. (PD) .No.781 of 2019  
and C.M.P.No.5136 of 2019

PM (CO)  
RGA (03/01/2022)  
RLP (15/02/2022)