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W.P.No.25444 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.25444 of 2017

and

W.M.P.Nos.26883 & 26884 of 2017

G.Arul Jothi

... Petitioner

Vs.

1.The Director,
MSME Development Institute,
65/1, GST Road,
Guindy, Chennai – 600 032.

2.The General Manager,
District Industries Centre (DIC),
Semmandalma,
Cuddalore – 607 001.

3.The Branch Manager,
SIDCO Indl.Estate,
Semmandalam, Cuddalore – 607 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to take necessary action to regulate the Virudhachalam Ceramic Federation of Self Help Groups Association and its kiln and to conduct the election and ensure the due process of the Virudhachalam Ceramic Federation of Self Help Groups Association.



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For Petitioner : No Appearance

For Respondents : Mr.S.Sathish Rajan
for R1
Mr.Mohammed Mudassi Ali
for Mr.M.J.Jaseem Mohammed
for R2 & R3

ORDER

The writ petition has been filed for a mandamus to direct the respondents to regulate the affairs of the Virudhachalam Ceramic Federation of Self Help Groups Association and its kiln and to conduct an election to ensure due process in the said association.

2.It is a specific case of the petitioner that the association was registered in the year 2010 and has about 100 investing members and that each of the investing members have invested a sum of Rs.15,600/- per head.

3.It is submitted under the initiative, a tunnel kiln unit has been established to provide services related to firing of ceramic products on chargeable basis. Members are provided with lower charges as compared to non members.



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4.It is the case of the petitioner that the respondents' office bearers are selected through election process among the members and that huge amount was being misappropriated by its office bearers and a number of complaints have been given.

5.The petitioner has estimated the misappropriation of amounts of over one Crore for each year. It is submitted that the respondents are not taking any action against the office bearers regarding the misappropriation of funds and that the government funds are being misused. Hence, the petitioner gave a representation to the respondent to take action against the office bearers of the said association.

6.The writ petition is opposed by the learned counsel for the first respondent stating that the writ petition is misconceived. It is submitted that several allegations have been made against the members of the association who are not a party to the present proceedings.



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WEB COPY 7. That apart, it is submitted that more than seven years have lapsed since the filing of the present writ petition and the fresh election would have been conducted in accordance with the bye-laws of the said association. It is therefore submitted that the writ petition be dismissed.

8. The learned counsel appearing on behalf of the third respondent, SIDCO Industrial Estate, submits that the third respondent is a mere facilitator where the ceramic industries were located, where the said association is functioning.

9. He further submits that the third respondent have been unnecessarily impleaded in this writ petition.

10. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents.

11. The case was earlier heard on 12.10.2022. Thereafter, the case was adjourned for continuation of the arguments on behalf of the petitioner to



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ascertain whether the persons against him the complaint was made are still the office bearers of the Virudhachalam Ceramic Federation of Self Help Groups Association for which the petitioner claims to be a member.

12.Today when the case was taken up for hearing, there is no representation on behalf of the petitioner. The learned counsel for the second and third respondents are present.

13.The petitioner has made several allegations against the members of the association without impleading them. More than 5 years have lapsed since the filing of the present writ petition. Therefore, there is no merits in the present writ petition and thereafter no positive directions can be issued in this writ petition. However, the second respondent may ascertain whether the said affairs of the association are being conducted properly in accordance with law. In case, there is any violations of the bye laws of the association, appropriate steps may be taken for taking the persons to task.



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WEB COPY 14. This writ petition thus stands disposed with the above observations.

No costs. Consequently, connected miscellaneous petitions are closed.

19.10.2022

Index : Yes/No
Internet : Yes/No
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To

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C.SARAVANAN, J.

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