



W.P.(MD)Nos.14886 to 14888 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)Nos.14886 to 14888 of 2022

and

W.M.P.(MD).Nos.10641, 10639 & 10646 of 2022

M/s.Thanjavur West Sarvodaya

Sangam,

Rep.by its Secretary,

No.28, Giri Road,

Sreenivasapuram,

Thanjavur 613 004.

... Petitioner
(in all cases)

Vs.

1.The Secretary and General Manager,
Micro Small Enterprise Facilitation,
Council/District Industries Centre,
Madurai Region,
Madurai 625 002.

2.Mr.G.Surulivel,
M/s.G.D.Silk Cotton Industries,
No.1/41, Boyandurai Road,
Bodinayakkanur 625 513,
Theni.

... Respondents in
W.P.(MD).No.14886 of 2022

1.The Secretary and General Manager,
Micro Small Enterprise Facilitation,
Council/District Industries Centre,
Madurai Region, Madurai 625 002.



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2.Mr.G.manikandan,
M/s.Sri Sukra Traders,
No.1-1-60, Kuppusamy Kovil Street,
Bodinayakkanur 625 513,
Theni.

... Respondents in
W.P.(MD).No.14887 of 2022

1.The Secretary and General Manager,
Micro Small Enterprise Facilitation,
Council/District Industries Centre,
Madurai Region,
Madurai 625 002.

2.S.Maheswari,
M/s.G.D & Co,
2/96-B Periyandavar High Road,
Bodinayakkanur 625 513,
Theni.

... Respondents in
W.P.(MD).No.14888 of 2022

COMMON PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Prohibition, prohibiting the 1st Respondent herein from in any manner continuing with the proceedings in O.P.15/MSEFC/Madurai/2022, 16/MSEFC/Madurai/2022 and 17/MSEFC/Madurai/2022 respectively, on the file of Micro Small Enterprise Facilitation Council/District Industries Centre, Madurai 625 002, filed by the 2nd Respondent, as one without jurisdiction.



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For Petitioner :Mr.V.S.Kumaraguru
(in all the cases)
For Respondents :Mr.M.Senthil Ayyanar
Government Advocate for R1
:Mr.B.Pandiaraj for R2
(in all the cases)

COMMON ORDER

The petitioner Sangam is registered under the Societies Registration Act vide Registration No.15/74 and run by the members of the petitioner Sangam for promotion of Khadi and Village Industries products on 'no loss no profit' basis.

2.The petitioner Sangam is certified by the Khadi and Village Industries Commission, which is under the control of the Ministry of Micro, Small and Medium Enterprises Development. The 2nd Respondent is the proprietor of G.D. & Co., engaged in the manufacture and supply of silk cotton till 28.07.2021, over two decades. During July 2021, since the supply made by the 2nd Respondent was found defective, the petitioner Sangam stopped placing orders to the 2nd Respondent. The settlement of accounts, after adjusting the defective supplies, is still pending.



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3.The learned counsel for the petitioner submitted that the 2nd Respondent was registered as Micro Industry on 29.11.2021 under the Micro, Small and Medium Enterprises Development Act, 2006. The 2nd Respondent has proceeded to file a claim petition before the 1st Respondent constituted under Act 27 of 2006, which deals with disputes raised by the supplier within the meaning of Section 2(n) of the Act. The claim petition has also been served on the petitioner along with the summons. Thereafter, the petitioner had filed an application on 16.05.2022 before the 1st Respondent in O.P.Nos.15/MSEFC/Madurai/2022, 16/MSEFC/Madurai/2022 and 17/MSEFC/Madurai/2022 respectively, not to proceed with the petition, in respect of the claim made by the 2nd Respondent on the premise, that the 1st Respondent had no jurisdiction to entertain the claim made by the 2nd Respondent, in view of the fact that the 2nd Respondent may not even qualify as Micro Industry within the meaning of Section 2(n) of the Act. The above application is stated to be pending consideration. In these circumstances, these two writ petitions have been filed praying for Writ of Prohibition, restraining the 1st Respondent from proceeding further.



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4.This Court is of the view that, as the application of the petitioner raising the question of jurisdiction is pending consideration, the 1st Respondent is directed to dispose of the above application relating to jurisdiction as a preliminary issue before proceeding further. It is open to the petitioner and the respondents to put forth their submissions on the above aspects of jurisdiction, if any, before the 1st Respondent. The application on jurisdiction filed by the petitioner on 16.05.2022, shall be decided as a preliminary issue by the 1st Respondent, within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law.

5.With the above direction, these writ petitions are disposed of.
No costs. Consequently, connected miscellaneous petitions are also closed.

14.11.2022

Index : Yes / No

Speaking Order : Yes / No

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