WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.18857 of 2022 and
W.M.P. No.18211 & 18213 of 2022

Victoria Technical Institute
Rep by Court Appointed Administrator
Justice P.Shanmugam
No.180, Anna Salai
Chennai - 600002 ... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by Chief Secretary to Government
Fort St. George
Chennai - 600 009

2.The Principal Secretary to Government
Handlooms, Handicrafts, Textiles & Khadi Department
Government of Tamil Nadu
Fort St. George, Chennai - 600 009

3.The Director of Industries & Commerce
Chepauk, Chennai - 600 005

4.The Managing Director
Tamil Nadu Handicrafts Development Corporation Ltd.
Chennai - 600 002

https://www.mhc.tn.gov.in/judis

WEB COPY

5.The Joint Secretary to Government
Government of Tamil Nadu
Finance Department, Fort St. George
Chennai - 600 009

6.The Deputy Secretary to Government
Handlooms, Handicrafts, Textiles & Khadi Department
Government of Tamil Nadu
Fort St. George, Chennai - 600 009. ... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for a writ of certiorari by calling for the entire records of the 2nd respondent vide impugned order dated 05.07.2022 vide G.O. (Ms) No.107 of Handloom, Handicraft, Textiles and Khadi (G1) Department and quash the same.

For Petitioner : Mr.T.S.Baskaran

For Respondent : Mr.R.Shanmugasundaram
Advocate General
Assisted by Mr.C.Kathiravan,
Special Govt. Pleader for R1 to R3,
R5 & R6.

Mr.M.Vijayan
for M/s.King and Patridge for R4

WEB COPY

O R D E R

Victoria Technical Institute, a society registered under the Societies Registration Act has come before this court challenging a Government Order dated 05.07.2022 in G.O. (Ms) No.107 of Hand loom, Handicraft, Textiles and Khadi (G1) Department. Vide this Government Order, the Government has nominated five officials of the Government to constitute a Management Committee of Victoria Technical Institute.

2.The affairs pertaining to the petitioner is the subject matter of a civil suit in C.S. No.745 of 2013. While so, the Government came out with G.O.Ms. No.57 Handlooms, Handicrafts, Textiles and Khadi (G2) Department dated 22.04.2011 appointing few officials for constituting council for managing the affairs of the petitioner. This was challenged by the petitioner in W.P. No.24226 of 2012 on the ground that inasmuch as the petitioner is a registered society, the Government might not have a say in its administration.

3.Subsequently, the Government came out with G.O. Ms. No.161 dated 31.12.2013 and this became the subject matter of W.P. No.222 of 2014. This Government Order was struck down by this court and during the pendency of

https://www.mhc.tn.gov.in/judis

WEB COPY

this writ petition in W.P. No.222 of 2014, this court appointed Thiru.P.Shanmugam, a former Judge of this court as an administrator. In the meanwhile, the petitioners in W.P. No.222 of 2014, namely, Shri.K.P.Sivasubramaniam, another former Judge of this court and Mr.N.Chandrasekaran, Senior Advocate have filed C.S. No.745 of 2013 for framing a scheme, even as the Administrator continues to be in office. This court vide its order dated 10.08.2021 made in C.S. No.745 of 2013 directed notice to the learned Advocate General, since this court felt that the contents of the suit and the prayer involved therein partakes the character of a public trust, even though the petitioner is not a public trust. This court also suggested in subsequent postings of the civil suit that a draft scheme be made available before the court.

4.The plaintiffs have made the draft scheme to which the Administrator also made few suggestions. In the meantime, Thiru.P.Shanmugam, J. passed away and this court vide its order dated 23.12.2022 appointed Thiru.C.T.Selvam, another former Judge of this court as the Administrator. On 23.02.2023, this court constituted a Committee comprising of the Administrator and the Advocate General and authorised them to co-opt one more person, and the duo

https://www.mhc.tn.gov.in/judis

WEB COPY

of the Administrator and the Advocate General have nominated Mrs.Ramani Natarajan as the third member of the Committee and this was approved by this court vide its order dated 07.03.2023. This court is informed that the said committee is conducting meetings regularly to formulate an ideal scheme for administering the affairs of the petitioner society.

5.Things being what they are, the Government had come out with the impugned Government Order constituting five member council of its official to manage the affairs of the petitioner. The impugned G.O. does not make any reference to the G.O. No.161 passed in 2013 and also the order passed in W.P. No.222 of 2014 nor about C.S. No.745 of 2013, which implies that the Government is oblivious to this development.

6.Since this court has taken cognizance of the situation, which goes to affect the affairs of the petitioner and since this court has already constituted a committee to work on the same in C.S. No.745 of 2013 wherein, to repeat, the learned Advocate General is one of the members, this court considers that the Government should not have passed the impugned GO when the matter is *sub judice* before it. Since the learned Advocate General is the first law officer of

https://www.mhc.tn.gov.in/judis

WEB COPY

the State, if the Government has any suggestion to make, it may make the same through the learned Advocate General. This would enable the court to have an effective control over the litigation it has before it. In view of the same, this court sets aside G.O. (Ms) No.107 of Handloom, Handicraft, Textiles and Khadi (G1) Department dated 05.07.2022.

7.In conclusion, the writ petition is allowed. The impugned G.O. (Ms) No.107 of Handloom, Handicraft, Textiles and Khadi (G1) Department dated 05.07.2022, is set aside. No costs. Consequently, the connected writ miscellaneous petitions are closed.

08.08.2023

Asr
Index : Yes/No
Speaking/Non-speaking order

To

WEB COPY

1.The State of Tamil Nadu
Rep by Chief Secretary to Government
Fort St. George
Chennai - 600 009

2.The Principal Secretary to Government
Handlooms, Handicrafts, Textiles & Khadi Department
Government of Tamil Nadu
Fort St. George, Chennai - 600 009

3.The Director of Industries & Commerce
Chepauk, Chennai - 600 005

4.The Managing Director
Tamil Nadu Handicrafts Development Corporation Ltd.
Chennai - 600 002

5.The Joint Secretary to Government
Government of Tamil Nadu
Finance Department, Fort St. George
Chennai - 600 009

6.The Deputy Secretary to Government
Handlooms, Handicrafts, Textiles & Khadi Department
Government of Tamil Nadu
Fort St. George, Chennai - 600 009.

7.The Government Pleader, High Court, Madras

N.SESHASAYEE, J.,

WEB COPY

Asr

W.P. No.18857 of 2022 and
W.M.P. Nos.18211 & 18213 of 2022

08.08.2023