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W.P.No.29538 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.29538 of 2014
&
M.P.Nos.1 and 2 of 2014

C.Selvaraj

... Petitioner

Vs.

1.T.P.Soundarrajan
Proprietor
M/s.Poldyy Garments
No.5/768/2, P.N.Road
Pitchampalayampudur
Tirupur-641603

2.The Chairman
Micro and Small Enterprises Facilitation Council
and Principal Secretary/Industries Commissioner
and Director of Industries and Commerce
Chepauk, Chennai-600 028

3.The Zonal Officer
Micro and Small Enterprises Facilitation Council
Coimbatore Region/General Manager
District Industries Centre
Coimbatore-1

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India



W.P.No.29538 of 2014

praying to issue a Writ of certiorarified mandamus calling for the entire records pertaining to the proceedings of the 2nd respondent dated 08.11.2013 in case number M&SEFC/CBER/1/2013 and quash the same and consequently direct the 2nd respondent to conduct fresh enquiry in case number M&SEFC/CBER/1/2013 in accordance with law by considering the counter affidavit dated 08.06.2013 of the petitioner by giving reasonable opportunity to the petitioner to cross examine the 1st respondent and to produce his documents in the light of the principles of natural justice.

For Petitioner : No Appearance

For Respondents : Mr.K.M.D.Muhilan, AGP for R2 and 3

ORDER

This writ petition has been filed to call for the entire records pertaining to the proceedings of the 2nd respondent dated 08.11.2013 in case number M&SEFC/CBER/1/2013 and quash the same and consequently direct the 2nd respondent to conduct fresh enquiry in case number M&SEFC/CBER/1/2013 in accordance with law by considering the counter affidavit dated 08.06.2013 of the petitioner by giving reasonable opportunity to the petitioner to cross examine the 1st respondent and to produce his documents in the light of the principles of natural justice.

2. In the Writ Petition itself in para 6 it is stated that though alternative remedy to set aside the impugned order is available U/s. 19 of



W.P.No.29538 of 2014

the Micro, Small and Medium Enterprises Development Act 2006. Since he had to deposit 75% of the award amount due to non availability of amount he was not able to prefer the appeal. Hence, the Writ Petition is filed.

This Court is of the view that such ground is not maintainable to file a Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.01.2023

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Index:Yes/No

Speaking/Non-speaking order

Neutral citation:Yes/No

To

2.The Chairman

Micro and Small Enterprises Facilitation Council
and Principal Secretary/Industries Commissioner
and Director of Industries and Commerce
Chepauk, Chennai-600 028

3.The Zonal Officer

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N. SATHISH KUMAR, J.

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