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W.P.No.26529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26529 of 2024 and
WMP.Nos.29025 & 29027 of 2024

O.A.Nagalingam

... Petitioner

Vs.

1.The Assistant Director,
Handloom and Textiles,
Lalbagadhur Sasthiri Street,
Periyakuppam, Tiruvallur, Tiruvallur District

2.The Administrator,
Pothatturpettai Kalaingar Karunanidhi
Power Look Weavers Cooperative Production and Sales Society Ltd.,
No.K.H.289, Pothatturpettai 631 208, Pallipet Taluk,
Tiruvallur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.No.1174/2016/C dated 13.07.2024 and quash the same insofar relates to the petitioner is concerned and consequently direct the first respondent to receive the finished Dhoties and Sarees from the second respondent society and adjust the same with alleged surcharge amount.

For Petitioner : Mr.C.Prakasam



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For Respondents : Mr.M.Rajendran,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent in his proceedings Na.Ka.No.1174/2016/C dated 13.07.2024.

2. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

3. It is seen that earlier an order was passed by the first respondent on 20.12.2017 as against one, Saroja i.e. the wife of the petitioner herein and the same was challenged before this Court in WP.No.521 of 2018. While pending the writ petition, the petitioner's wife i.e. Saroja died. It was not informed before this Court and this Court by an order dated 11.03.2024 set aside the said proceedings and directed the first respondent to serve all the documents relied against the petitioner in surcharge proceedings and, after giving opportunity of hearing to all parties concerned, to pass orders on merits and in accordance with law.



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The petitioner failed to bring to notice of this Court about the demise of the said Saroja even after the direction issued by this Court and once again the first respondent passed order in dead person's name on 13.07.2024.

4. In view of the above, the impugned order cannot be sustained and the same is liable to be quashed. Accordingly, the impugned order passed by the first respondent in his proceedings Na.Ka.No.1174/2016/C dated 13.07.2024 is quashed. The first respondent is directed to issue notice to the petitioner who is the husband of the deceased Saroja and other legal heirs, if any, and, after giving opportunity of hearing to them, to pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

09.09.2024



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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. The Assistant Director,
Handloom and Textiles,
Lalbagadhur Sasthiri Street,
Periyakuppam, Tiruvallur, Tiruvallur District
2. The Administrator,
Pothatturpettai Kalaignar Karunanidhi
Power Loom Weavers Cooperative Production and Sales Society Ltd.,
No.K.H.289, Pothatturpettai 631 208, Pallipet Taluk,
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