

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 27TH DAY OF MARCH 2013/6TH CHAITHRA 1935

WP(C) .No. 24331 of 2012 (N)

PETITIONERS:-

1. ARANGAN SILK HANDLOOM WEAVER'S (PRODUCTION-CUM-SALE)
CO-OPERATIVE SOCIETY LTD.NO.SL.IND (T) 563
ARANGAMUGHAL, THANNIMOODU P.O.
THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.

2. BALARAMAPURAM EAST HANDLOOM WEAVER'S (PRODUCTION-CUM-SALE)
CO-OPERATIVE SOCIETY LTD.NO.H. (T) 308
BALARAMAPURAM P.O., THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.

3. PALACHALKONAM HANDLOOM WEAVERS (PRODUCTION-CUM-SALE)
CO-OPERATIVE SOCIETY LTD.NO.T.346
KATTACHALKUZHY P.O. THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.

4. KAITHERI NEYTHE THOZHILALI UNION (JTUC), REG.NO.01-35/98,
THIRUVANANTHAPURAM DISTRICT COMMITTEE, ENGARAKARA
BALARAMAPURAM P.O., THIRUVANANTHAPURAM
REP. BY ITS SECRETARY, A.SURENDRAN.

BY ADVS.SRI.B.S.SWATHY KUMAR
SMT.P.V.SOBHANA
SMT.V.BEENA
SMT.K.V.SUPRABHA

RESPONDENTS:-

1. THE DIRECTOR OF HANDLOOMS AND TEXTILES
VIKAS BHAVAN, PALAYAM, THIRUVANANTHAPURAM PIN 695 033.

2. THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE,
VELLAYAMBALAM, THIRUVANANTHAPURAM PIN 695 033.

R1 BY GOVT.PLEADER MR.NOUSHAD THOTTATHIL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-03-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS:-

- EXT.P-1 TRUE COPY OF THE ORDER NO.HL/C6/3294/2010 DATED 23-2-2011
- EXT.P-2 TRUE COPY OF THE ORDER NO.HL/C7/3746/2011 (1) DATED
17-11-2011
- EXT.P-3 TRUE COPY OF THE PETITION FILED BY THE 1ST PETITIONER
BEFORE THE 2ND RESPONDENT DATED 18-7-2012.
- EXT.P-4 TRUE COPY OF THE PETITION FILED BY THE 2ND PETITIONER
BEFORE THE 1ST RESPONDENT DATED 26-9-2012.
- EXT.P-5 TRUE COPY OF THE PETITION FILED BY THE 3RD PETITIONER
BEFORE THE 1ST RESPONDENT DATED 20-9-2012.
- EXT.P-6 TRUE COPY OF THE PETITION FILED BY THE 4TH PETITIONER
BEFORE THE 1ST RESPONDENT DATED 10-5-2012.
- EXT.P-7 TRUE COPY OF THE AUDIT CERTIFICATE DTD 13.7.2011.
- EXT.P-8 TRUE COPY OF THE PAGE NO.45 OF THE DAY BOOK OF THE
2ND PETITIONER.
- EXT.P-9 TRUE COPY OF THE ANNUAL CLOSING OF CLOTH STOCK STATEMENT
AS ON 31.3.2012 OF THE 2ND PETITIONER.
- EXT.P-10 TRUE COPY OF THE PASS BOOK OF ACCOUNT NO.1529 OF THE
TRIVANDRUM DISTRICT CO-OPERATIVE BANK.
- EXT.P-11 COPY OF THE PASS BOOK OF ACCOUNT NO 4943 OF THE PALLICHAL
FARMERS SERVICE CO-OPERATIVE BANK.
- EXT.P-12 COPY OF THE PASS BOOK OF ACCOUNT NO.COOP-215.
- EXT.P-13 COPY OF THE RESOLUTION NO.65 AT PAGE 32 OF THE
2ND PETITIONER.
- EXT.P-14 COPY OF THE PAGE NO.12 OF THE DAY BOOK OF THE
3RD PETITIONER.

RESPONDENTS' EXHIBITS:-

- EXT.R1 (a) : COPY OF THE LETTER NO.CA/4323/09 DTD.9.5.2011.

(TRUE COPY)

PA TO JUDGE.

Kvs/-

A.M. SHAFFIQUE, J.

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Dated this the 27th March, 2013.

J U D G M E N T

Petitioners have approached this Court seeking to declare that they are entitled to get reimbursement of the amount sanctioned as per Exts.P1 and P2 as Marketing Incentive. The facts as disclosed in this writ petition would indicate that petitioners 1 to 3 are societies registered under the Kerala Co-operative Societies Act working exclusively in the Handloom Weaving Sector. There was a direction in terms of Exts.P1 and P2 to handover certain amounts as Marketing Incentive. Exts.P4 to P7 were submitted to the first respondent for releasing the demand drafts, but the said authority did not take any action in the matter. Hence this writ petition is filed.

2. Counter-affidavit is filed by the first respondent inter-alia stating that the first respondent has sanctioned

the State share of the Marketing Incentive scheme for the year 2010-'11 to 132 Primary Handloom Weavers Co-operative Societies including the first petitioner. In the meantime, the Finance Inspection wing of the Government Secretariat has conducted an inspection on the working of the societies in Thiruvananthapuram. As per the inspection report it is seen that there are many bogus societies working in Thiruvananthapuram district, and among them petitioners 2 and 3 are also included. It is based on the said report that the Government issued directions as per letter dated 14.3.2012 stating that no assistance should be given to such bogus societies. It is also stated that the first respondent had remitted the sanctioned amount to the Government Account.

3. The petitioners filed a reply-affidavit producing certain documents stating that the societies were functioning and the same had been taken note of the Ministry concerned. They have also produced Exts.P7 to

P14 documents to substantiate the said contentions.

4. Having regard to the facts and circumstances of the case, I think it is for the first respondent to conduct necessary inspection to find out whether the societies complained of are functioning in proper perspective to enable them to get the funds in terms of Marketing Incentive. If the authorities finds that there are no bogus societies functioning as alleged, it is for them to consider and pass appropriate orders in terms of the directions as prayed for. However, having taken into consideration the fact that the petitioners have taken a contention that they are working societies under the first respondent, these are all matters which requires proof, and it is for the first respondent to consider and pass appropriate orders. Hence I do not think that this Court can grant any relief as prayed for.

5. The petitioners are entitled to submit appropriate representation along with necessary documents to the first

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respondent and the first respondent shall consider and dispose of the same within one month from the date of receipt of a copy of this judgment.

Writ Petition is disposed of as above.

A.M. SHAFFIQUE,
(Judge)

Kvs/-