

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.Nos. 27790 to 27798 of 2006 and

M.P.Nos.1 of 2006 (9MPs)

1. M/s. Sevidanoor Neervadi Mugadu Sangam,
Represented by its President
V. Kaveri Sevidanoor. Petitioner in 27790/2006
2. M/s. Aadaiyur Neervadi Mugadu Sangam,
Represented by its President R.Karupppnan
.... Petitioner in 27791/2006
3. M/s. Mallipalayam Neervadi Mugadu Sangam,
Represented by its President S. Kumar
.... Petitioner in 27792/2006
4. M/s. Aduvapatti Neervadi Neervadi
Mugadu Sangam,
Represented by its President K. Ganesan
.... Petitioner in 27793/2006
5. M/s. Pakkanadu Neervadi Mugadu Sangam,
Represented by its President Kupppammal
.... Petitioner in 27794/2006
6. M/s. Ramagoundar Neervadi Mugadu Sangam
Represented by its President M.Munuswami
.... Petitioner in 27795/2006
7. M/s. Mettu Theru Neervadi Mugadu Sangam,
Represented by its President P. Ganesan
.... Petitioner in 27796/2006
8. M/s. Kurukkupatti Neervadi Mugadu Sangam,
Represented by its President K.G. Umapathi
.... Petitioner in 27797/2006
9. M/s. Amman Koil Kadu Neervadi Mugadu Sangam
Represented by its President R.K. Swami
.... Petitioner in 27798/2006

/Vs/

1. The District Collector,
Salem.
2. The Joint Director of Agriculture
(General) Cum Secretary
District Nodal Agency (NWDPRAs)
Office of the Joint Director of
Agriculture, Salem.
3. The Assistant Executive Engineer,
(Project Implementing Agency)
Agricultural Engineering Department,
Sankagiri, Salem.

... Respondents
(in all WPs)

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records and to quash the order of the 3rd respondent i.e., The Assistant Executive Engineer, (Project Implementing Agency) Agricultural Engineering Department, Sankagiri, Salem, dated 05.07.2006 made in Na.Ka.No.A.2292/06 and to quash the same.

For Petitioner : Mr.E.Sampath Kumar
(in all WPs)

For Respondents : Mr.K.Ravikumar
(in all WPs) Additional Government Pleader

C O M M O N O R D E R

The petitioners have filed these writ petitions challenging the impugned order dated 05.07.2006, wherein, the third respondent/The Assistant Executive Engineer (Project Implementing Agency) directed the Self Help Group to submit their accounts on or before 15.07.2006. Aggrieved by the same, the present writ petitions have been filed.

2. The case of the petitioners is that the petitioners' Sangam have been Registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act, 27 of 1975). The above Sangams were formed for implementing the National Watershed Development Project for Rainfed Areas (hereinafter referred to as the 'NWDPRAs') scheme introduced by the Government of India and the Government of Tamil Nadu for the welfare of

agriculture. The said scheme is for the development of watershed formulated and adopted by the Ministry of Agriculture and Ministry of Rural Development for incorporating the strength of their earlier first generation based on the guidelines and the regulations formed and communicated by the Government of India along with the State Government at the time of formation of the scheme itself. In order to create awareness among the former community members regarding new strategy as well as main features of the 'Common Approach for Watershed Development' repeatedly meetings in large and small groups may be arranged. For the purpose of implementation of this scheme, the farmers are contributing minimum 10% and 50% of the amount. After completion of the project, the accounts will be accrued and audited by the appropriate authorities every year. In the present case, the petitioners submitted their accounts to the Auditing Department. The Auditing Department also audited the accounts and submitted its report before the second respondent. However, without any authority, the second respondent passed the impugned order by directing the petitioners' Sangam to submit its accounts which is not sustainable one.

3. Mr.E.Sampath Kumar, the learned counsel appearing for the petitioners would submit that though the petitioners Sangam have been Registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act, 27 of 1975) and the Self Help Group availed the loan facilities for proper implementation of the scheme and after obtaining the loan amount, proper accounts were submitted to the second respondent, who is the Nodal Officer. After perusing the accounts, the 2nd Respondent/ Nodal Officer passed the impugned order, dated 05.07.2006.

4. The learned Additional Government Pleader appearing for the State would submit that the second respondent passed the impugned order dated 05.07.2006 and directed the petitioners to remove the discrepancy in the ledgers and to produce the accounts for the purpose of completing the audit. Even on perusal of the petitioners Bye Law No.9, the third respondent has power to issue direction to the Self Help Group. Hence, he prays for dismissal of the above writ petitions.

5. Admittedly, the petitioners Sangam have been Registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act, 27 of 1975). They have their own Bye-Laws for the welfare of the petitioners' Sangam. The said Sangam an agricultural based on Self Help Group. For the purpose of their welfare the Central Government announced the Scheme of National Watershed Development Project for Rainfed Areas (hereinafter referred to as the 'NWDPA'). However, on perusal of the impugned order the second respondent passed only a direction to the petitioners' Sangam to submit their accounts and other

ledgers for the purpose of completing the audit on or before 15.07.2006.

6. No adverse order was passed against the petitioners' Sangam. The impugned order has only directed the petitioners to submit their accounts for the purpose of audit. Even the learned Additional Government Pleader has rightly pointed out that Bye-Law No.9 gives power to the third respondent to issue appropriate direction to the petitioners' Sangam. The petitioners' Sangam are bound to abide by the direction of the 3rd respondent.

7. In view of the above, these writ petitions are dismissed. However, this order will not stand in the way of the petitioners to submit their accounts for the purpose of audit. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

msm

To:

1. The District Collector,
Salem.
2. The Joint Director of Agriculture
(General) Cum Secretary
District Nodal Agency (NWDPRA)
Office of the Joint Director of
Agriculture, Salem.
3. The Assistant Executive Engineer,
(Project Implementing Agency)
Agricultural Engineering Department,
Sankagiri, Salem.

+1cc to the Government Pleader, S.R.No. 30729

W.P.Nos. 27790 to 27798 of 2006

RV(CO)
TR(11/06/2018)