



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.27717 of 2013

S.R.Venkatachalam

.. Petitioner

-vs-

1.The Government of Tamil Nadu
rep. by Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Erode.

3.The Registrar of Co-operative Societies,
Chennai-600 010.

4.The Joint Registrar of Co-operative Societies,
Erode-3.

5.The Secretary,
Anthiyur Co-operative Agricultural Colonisation
Society, Anthiyur, Bhavani Taluk,
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling upon the production of the records relating to the order dated 11.6.2013 made in Government Letters (D) No.127 passed by the 1st respondent herein, quash the same and direct the 1st respondent to pass orders to wind up the K. 917 Anthiyur Co-operative Agricultural Colonisation Society at Anthiyur, Bhavani Taluk, Erode District.



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For Petitioner : Mr.S.Senthilnathan

For Respondents : Mrs.T.Girija,
Government Advocate for R1, 3 and 4

Mrs.P.Rajalakshmi,
Addl. Govt. Pleader for R2

Mr.L.P.Shanmuga Sundaram,
Standing Counsel for R5

ORDER

Mr.S.R.Venkatachalam, claiming to be a member of the Anthiyur Co-operative Agricultural Colonisation Society at Anthiyur, Bhavani Taluk, Erode District has come to this Court, challenging the order dated 11.6.2013 made in Government Letters (D) No.127 passed by the 1st respondent herein, to quash the same with a direction to the 1st respondent to pass orders to wind up the K. 917 Anthiyur Co-operative Agricultural Colonisation Society at Anthiyur, Bhavani Taluk, Erode District.

2. Learned Counsel for the petitioner submitted that the grant of lands already made in favour of the Anthiyur Co-operative Agricultural Colonisation Society at Anthiyur, Bhavani Taluk, Erode District shall be cancelled and the same shall be handed over to the Revenue Department for assignment of land on the basis of detailed case study to decide on merit. Thereafter, proposals have been sent to Government from Registrar of Co-operative Societies. The Government, in turn, asked the District Collector to submit a report on the proposals. Therefore, now the District Collector has to survey the lands and enquire the details of the occupants of the lands and then report to the Government so as to issue individual pattas to the members. In these circumstances, since the lands stand in the name of the society, the members can never get individual patta in their respective names. Therefore, enabling them to get patta, the society has to be wound up and the Government has to initiate appropriate proceedings for grant of patta.

3. The learned Counsel for the petitioner further submitted that when the Anthiyur Co-operative Agricultural Colonisation Society was started in the year 1942 with an object to promote the welfare of the landless rural labourers and poor



persons by Agricultural Colonisation, to achieve this object, the Society will take agricultural lands from Government, divide it according to the plan of colonisation approved by Government and distribute the holding among others and finally the society will arrange for reclamation of lands to ensure their proper cultivation and in the end, the society will provide all amenities to the Colony. Now the Society has served the purpose because all the available lands were distributed to its members. Moreover similar societies in Gettisamudram and Athani Colony in Bhavani Taluk, have also distributed lands to the agricultural labourers and therefore, the society has to cease the work to enable the members to get patta in their names and enjoy the property under their possession.

4. The learned Counsel for the petitioner also submitted that when the petitioner was expecting favourable orders from the respondents, the 1st respondent has passed the impugned order dated 11.06.2013 holding that the Society-in-question need not be wound up. Therefore, the present Writ Petition has been filed to quash the said order with a direction to the 1st respondent to pass orders to wind up the K. 917 Anthiyur Co-operative Agricultural Colonisation Society at Anthiyur, Bhavani Taluk, Erode District.

5. A detailed separate counter affidavit has been filed by the 1st respondent as well as jointly by the respondents 3 and 4.

6. Learned Additional Government Pleader appearing for the 2nd respondent opposing the above prayer stated that the Government in the impugned order dated 11.06.2013 has clearly stated that elections were held for the 5th respondent society. Consequently, the elected management, President or Vice President have not asked for winding up of the said society. Therefore, in the case of winding up, the lands have to be handed back to the Government and in such case, the persons who are in possession and enjoyment of the said lands will be deprived of their livelihood and if the patta is transferred in the name of allottees, they would sell the land to third parties and that the purpose of allotment of the land and the object of the scheme would also be defeated, if the request of the petitioner is accepted. Therefore, no interference is called for with the impugned Government Order dated 11.06.2013, it is pleaded.

7. Heard the learned Counsel on either side and I have also perused the materials available on record carefully.



8. On the face of the records, this Court is of the view that when the elections to the Anthiyur Co-operative Agricultural Colonisation Society have been held and the Administrator, President and Vice President have been elected, it is not known why the Administrator, President and Vice President have not asked for winding up of the said Society. Therefore, the petitioner cannot maintain the present Writ Petition for winding up of the Society. Secondly, in the event of winding up of the society, the lands have to be handed over back to the Government in which case, the persons who are in possession and enjoyment of the same will be deprived of their livelihood. Moreover, if the patta is transferred in the name of allottees, they would sell the land to third parties. Therefore, the impugned G.O.(D) No.127 dated 11.06.2013 has been issued. Hence, I find no merit in the Writ Petition.

9. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Fort St. George,
Chennai-600 009.
- 2.The District Collector,
Erode.
- 3.The Registrar of Co-operative Societies,
Chennai-600 010.



4.The Joint Registrar of Co-operative Societies,
Erode-3.

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+1cc to Government Pleader SR.NO. 96600
+1cc to Special Government Pleader(Co-Op) sr.96609
+1cc to Mr.S.Senthilnathan, Advocate sr.96519

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pa(co)
nr 08/01/2020