

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	22/08/2019
Delivered on	29/08/2019

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.7637 of 2017 &
W.M.P.Nos.8341 & 8342 of 2017

1.M.Karthikeyan
2.P.Muthu
3.G.Saravanan
4.R.Ranjith Kumar
5.S.Francis ... Petitioners

Vs

- 1.The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue Department, Secretariat,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The Collector,
Kancheepuram District,
Kancheepuram.
- 4.The Director General,
Central Reserve Police Force,
Block No.1, CGO Complex,
Lodhi Road,
New Delhi - 110 003.
- 5.The Inspector General of Police,
Southern Sector,
Central Reserve Police Force,
Road No.10C, Jubilee Hills,
Gayathri Hills, Hyderabad - 500 033.
- 6.Central Armed Police Force (CAPF),
Housing Co-operative Society, represented
by its President, S.Elango, having office
at Group Centre, CRPF Campus,
Avadi, Chennai - 600 065.
- 7.Mr.S.Elango,
Deputy Inspector General of Police (OPS-1),
Office of the Directorate General,
Central Reserve Police Force,
Block No.1, CGO Complex,

Lodhi Road,
New Delhi - 110 003.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents 1 to 3 from conveying the lands in S.No.401/1, No.68, Anjur Village, Chengalpattu Taluk, Kancheepuram District of an extent of 20.25.0 hectares or any other land in favour of the sixth respondent- Society in the light of the clarification issued by the fifth respondent in No.A.II/1/2016-17-SS-Works, dated 21.02.2017 and further direct the fourth respondent to take appropriate action against the seventh respondent for illegally forming the sixth respondent Society by abusing his official powers.

For Petitioners : Mr.P.Manoj Kumar

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader
for R1 to R3

Mr.V.T.Balaji for R4 and R5

Dr.R.Gouri
For M/s.R.Meenakshi for R6

Ms.Rita Chandrasekaran for R7

O R D E R

The petitioners have come forward with this Writ Petition for issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from conveying the lands in S.No.401/1, No.68, Anjur Village, Chengalpattu Taluk, Kancheepuram District of an extent of 20.25.0 Hectares or any other land in favour of the sixth respondent-Society in the light of the clarification issued by the fifth respondent, vide Proceedings No.A.II/1/2016-17-SS-Works, dated 21.02.2017 and further direct the fourth respondent to take appropriate action against the seventh respondent for illegally forming the sixth respondent Society, by abusing his official powers.

2. According to the petitioners, they are working in Central Reserve Police Force, Group Centre, Avadi. When the seventh respondent was working as a Deputy Inspector General of Police in Group Centre, Avadi, Chennai, issued an order dated 04.06.2015, to make wide publicity about formation of Central Armed Police Force [in short "CAPF"] Cooperative Society and the Society is corresponding with the Government of Tamil Nadu for acquisition of

suitable land to allot to the members, who are hailing from Tamil Nadu and settled in Tamil Nadu. It is also stated that interested CRPF employees were called upon to register themselves on payment of Rs.10,110/-. Pursuant to the said order, most of the employees tendered the said amount.

3. The petitioners alleged that the seventh respondent issued an order, dated 13.10.2015, stating that on personal liaison made by him, the Government came forward to allot suitable land to the sixth respondent-Society on par with Government Guideline value and the lands in Anjur Village, near Singaperumal Kovil was also identified. Thereafter, 600 members have registered their names in the sixth respondent-Society and in the meanwhile, the seventh respondent was transferred and posted at Directorate in New Delhi. Thereafter, the Deputy Inspector General of Police [DIGP], Group Centre, Avadi, sought clarification from the higher ups with regard to the role of the Group Centre, Avadi / sixth respondent-Society. In response to the letter of the Deputy Inspector of General of Police, dated 16.12.2016, the Additional Director General of Police, Southern Sector, CRPF, Hyderabad sought clarification from the Deputy Inspector General of Police, Welfare of the Directorate, New Delhi. The Inspector General of Police, Southern Sector, CRPF, Hyderabad issued a clarification, dated 21.02.2017, stating that the sixth respondent-Society is purely a private organization and the Sector Officer or Group Centre, Avadi have no official dealings with the Cooperative Society and no serving officials from the Group Centre, Avadi, shall directly or indirectly get associated with managing any private Society, without the express approval from his Office or Directorate in future. One more similar order was already issued on 22.02.2017.

4. The petitioners further alleged that even after the orders passed by the fifth respondent, some personnel from DIGP office of Group Centre, Avadi, made collection from CRPF personnel at the behest of the seventh respondent, assuring that the land will be assigned in favour of the sixth respondent-Society shortly by the Government of Tamil Nadu. Hence a joint representation, dated 09.03.2017, was addressed to the District Collector, Kancheepuram, requesting him not to convey Government lands in favour of the sixth and seventh respondents and a copy was also forwarded to the first and second respondents. It is further alleged that the seventh respondent, who is now posted in CRPF Directorate, Delhi, came to Chennai during 2nd week of March 2017 and held meetings with many higher officials of the Government of Tamil Nadu for conveyance of the

land in favour of the said Society and about 15 to 12 CRPF personnels were also moving the files with the Government. In the event of the said lands are transferred to the said Society, the seventh respondent, who was declared as a life-time President of the Society would amass wealth by putting the said land to sell with commercial motive.

5. The petitioners would claim that similar Co-operative Societies in other parts of the Country are functioning after obtaining proper sanction and No Objection Certificate from the Director General, CRPF, New Delhi. The seventh respondent without obtaining any permission or authorization have formed the Society. Hence, the present Writ Petition.

6. A common counter affidavit has been filed on behalf of the respondents 1 to 3 denying the allegations made by the petitioners. It is stated that CAPF Housing Co-operative Society was formed in Group Centre, CRPF, Avadi and it was registered with the Government of Tamil Nadu vide G.O.Ms.No.70, dated 28.04.2015 and registered on 19.05.2015. It is further stated that based on the request made by the Society, the Government has decided to allot a land at Anjur Village, Singaperumal Kovil, on payment, after ensuring various formalities and in consultation with the Appropriate Authorities. Accordingly, the District Collector, Kancheepuram, has issued a letter for consent over allotment of land in S.No.401/1 in Anjur Village, to CRPF and as an initial payment, the CRPF Housing Society was asked to deposit a sum of Rs.3,75,000/- for the land leveling fee and the Society has also paid the said amount on 27.10.2016. When the allotment was under process, the present Writ Petition has been filed.

7. The respondents 4 and 5 have filed a counter affidavit, stating that during monthly welfare committee held on 25.04.2014, at Group Centre, CRPF Avadi, a point was raised for formation of Housing Society in Group Centre, CRPF, Avadi, so that needy personnel could avail the housing facility in and around Chennai. The Committee approved to form a Society and unanimously selected the seventh respondent as a President of the Society. Accordingly, the Housing Board was formed and thereafter approached the Government of Tamil Nadu for its proper registration and the same was registered on 28.04.2015. A meeting of the said Society was held on 01.06.2015 and after detailed discussion of various aspects in connection with the running of the Housing Co-operative Society, it was also decided to hold the post of President, even after retirement from service and

thereafter, a wide publicity was made for registration of the members. After the information of DIGP (Wel), New Delhi, Signal ibid, Southern Sector, Hyderabad, it was decided that no serving officer from Group Centre, Avadi, shall directly or indirectly get associated with managing any private Society without the express approval of IGP, CRPF, Southern Sector or Director, CRPF, New Delhi in future. It is further stated that the matter pertaining to the formation of the Housing Board by the seventh respondent has been placed before the fourth respondent for necessary scrutiny and examine meticulously so as to assess whether any rules violated and in the event of violation of any Rules noticed, the case shall be referred to the concerned Ministry for appropriate action and prayed for dismissal of the Writ Petition.

8. In the counter filed by the sixth respondent, it is stated that the CAPF Housing Cooperative Society, Avadi was formed under the guidelines issued by CRPF Headquarter DIG (Welfare) Dte Message, dated 01.12.2014 consequent on the decision taken in the Apex Body meeting of Welfare and Rehabilitation Board, dated 17.01.2014. As per the guidelines, the Housing Co-operative society not only in CRPF Avadi, but also in various establishments of CRPF viz., Group Centre, CRPF Bangalore (Karnataka), Sonipat (Haryana) and Jaipur (Rajasthan) etc., have been formed and functioning. The CAPF Housing Co-operative Society, Avadi was formed in a proper way after having the bye laws approved by the Government of Tamil Nadu and registered with the Government vide G.O.No.70, dated 28.04.2015 and under Tamil Nadu Co-operative Housing Federation vide No.8181/2014/G Section, dated 27.01.2015. It is further stated that the Society was formed with a noble intention to serve the landless Jawans from Tamil Nadu for their well being. Jawhans from Tamil Nadu who were transferred to North and Northeast to the Border Security do not have even any piece of land after their retirement, and persons who are serving in the North do not have even proper civil security to their family and therefore with a laudable object, this welfare Society was formed with the approval of all higher officials. The accounts of the Society had audited periodically by the Registrar of Society, Ambattur and Chengalpattu. As per the bye-laws framed by the Government of Tamil Nadu Societies Act, Rs.10,110/- has been subscribed and deposited into the Bank account maintained at Cooperative Bank, Kancheepuram, Avadi. Absolutely, there was no complaint from any of the members or from any quarters against the Society like, misappropriation or falsification of accounts or favouritism. It is alleged that the petitioners are having personal enmity with the seventh respondent and only due to personal vendetta,

this Writ Petition has been filed, without considering the welfare of the members of the Society.

9. The seventh respondent has filed a detailed counter denying each and every allegations made against him. The seventh respondent would state that he joined Central Reserve Police Force in the rank of Assistant Commandant and was promoted as Deputy Commandant, Second in Commandant, Commandant and Deputy Inspector General of Police. He has been performing operational duty in sensitivity areas with utmost devotion and dedication to the Nation and he has been awarded Police Medal for Gallantry by the President of India on 26.05.1992, second time on 10.07.1995 and third time on 26.11.2014.

10. According to the seventh respondent, during the meeting convened at Directorate General, CISF, New Delhi, dated 17.01.2014, it was decided to prepare rules and regulations for forming Housing Cooperative Society by WARB. In response to the above resolution, CRPF Headquarters, sent messages to all zones/sectors/Range Hqr/Group Centres of CRPF to take further action. The main reason for constituting the Society by the Apex Body is to procure dwelling unit for the CAPF personnel, who are generally posted in the far flung areas and who does not have any knowledge of property related issues, security of investment, constant visit and persuasion with builder, gimmicks/hidden cost / disputed title etc., and to overcome the issues, the Apex Body suggested establishment of CAPF Housing Cooperative Society as a welfare measure to provide affordable dwelling units to CAPF personnel at the place of their choice across the country.

11. The seventh respondent has further stated in the counter that as per the Apex Body guidelines and with a laudable object of procuring dwelling units to the landless Jawans, in a monthly welfare Committee meeting held on 25.04.2014 at Group Centre, CRPF Avadi, when he was working therein, a point was raised to form a Society. After the Committee approved to form a separate Society and after observing due formalities, the seventh respondent was unanimously selected as a President of the Housing Society on 28.04.2014. Thereafter, he approached the Government of Tamil Nadu and the Collector of Kancheepuram and as per their suggestions, the Society was formed. The development of the Cooperative Society was informed to CRPF Directorate by a message, dated 04.06.2015. The Director General, CRPF, during visit at Avadi Camp from 27.03.2016 and 28.03.2016, inspected all the files and made observations. The seventh respondent approached the Collector of Kancheepuram District for

acquisition and selected some of the lands in Kancheepuram District. In the meanwhile, more than 600 members joined the Housing Cooperative Society, by remitting registration fee charge of Rs.110/- and initial payment of Rs.10,000/-, but due to filing of this Writ Petition, the development of the Housing Society has been held up since 2017.

12. It is further stated in the counter that while the seventh respondent was working in the Group Centre, CRPF, Avadi, Chennai as DIGP, disciplinary action was taken against the petitioners 1, 2, 4, and 5 and hence, they make false allegations against him. The third petitioner has given a letter, stating that he has not given any consent for filing the Writ Petition and somebody has included his name without his consent. The other petitioners are not the members of the Housing Society and the petitioners 2, 4 and 5 are not in service at present. When he was the President of the Housing Society, he personally took various efforts and made liaison with the Authorities of Government of Tamil Nadu for searching of land for allotment to CRPF Housing Society and in the meeting held on 01.06.2015, he was selected unanimously as a President of the Society for life time by the members and it had happened due to the reasons that he initiated the Housing Co-operative Society, Avadi and made liaison with concerned District Authorities for land acquisition.

13. In paragraph No.17 of the counter, the seventh respondent has stated that after a question was raised whether serving personnel shall directly or indirectly get associated with managing of the private Society, he resigned the post of President on 05.05.2017 and thereafter, he had no business with the above affairs thereafter. Subsequently, a serving personnel in the Association Body were removed by conducting a meeting and selected a new Body. Since the petitioners are not the members of CRPF, Avadi, Housing Cooperative Society, they have no right make any allegation against the affairs of the Housing Society and hence, the present Writ Petition deserves to be dismissed.

14. Mr.P.Manoj Kumar, learned counsel for the petitioners would urge that the seventh respondent formed the CAPF Housing Cooperative Society in the year 2015, when he was working as DIGP, Group Centre, Avadi and he declared himself as a life time President of the Society. The seventh respondent had registered the Society against the guidelines and norms issued by the Authorities. It is the contention of the learned counsel for the petitioners that the Registered office shall be at the place where the said housing project will be constructed, but the

seventh respondent has registered the Society at Group Centre, CRPF, Avadi and in respect of other similar Societies, they were formed after approval by Director General, CRPF New Delhi, but the seventh respondent, without getting approval, has formed the Society and he moved with the Government of Tamil Nadu for assignment of the land.

15. The learned counsel for the petitioners further submitted that even after the seventh respondent was transferred to Directorate, CRPF, New Delhi, he continued as a President and abused his official position by moving with the Government for assignment of the land and after filing of this Writ Petition, he resigned from life time President of the Co-operative Society. He further added that the valuable public land cannot be given to a private Society and even though the petitioners are not the members of the Society, assignment of the land would affect the interest of the petitioners. Since the seventh respondent has abused his official position and served as a President of the Society without approval from the Director General, CRPF, New Delhi, a necessary action is to be taken against him.

16. Mr.D.Suriyanarayanan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 would submit that the sixth respondent-Society has been registered under the Societies Registration Act and after considering the object and the intention of the Society, the Government had decided to assign the land in favour of the Society, but due to the pendency of the Writ Petition, no further action was taken for the past two years.

17. Mr.V.T.Balaji, learned Standing Counsel for the respondents 4 and 5 would urge that this Writ Petition has been filed only to malign the image of the seventh respondent. It is the contention of the learned Standing Counsel that the Society was registered as per the law and bye laws have been framed and if there is any violation, the petitioners can make a representation only to the Registrar of Societies and the present Writ Petition is not maintainable.

18. Dr.R.Gouri, learned counsel appearing for the sixth respondent would submit that all the petitioners, being not the members of the sixth respondent-Society, have no right to file this Writ Petition. The sixth respondent Society was formed with a noble object to provide dwelling units to the retired Jawahans, who are serving all over India. It is further stated that the Society was formed and registered in pursuance of the guidelines issued by WARB, CRPF and to get assignment of land, the Society approached the Government. The learned

counsel by brining to the notice of the proceedings of the fifth respondent, dated 21.02.2017 would argue that a clarification was issued to the effect that no serving officials from Group Centre, Avadi shall directly or indirectly get associated with managing any private Society, without the express approval of this office or Directorate in future and after knowing about the clarification, immediately the seventh respondent resigned from the post of President of the Society on 05.05.2017 and hence, the petitioners cannot press their prayer for taking action against the seventh respondent. The learned counsel further contended that when the petitioners were working in Group Centre, CRPF, Avadi, subjected to disciplinary proceedings and hence with an oblique motive, this Writ Petition has been filed without any merits and cause of action and prayed for dismissal of the Writ Petition.

19. Mrs.Rita Chandrasekaran, learned counsel appearing for the seventh respondent would argue that the seventh respondent had served in various sensitive areas like Amritsar/Hosiyarpur in Punjab, Nagaland, Tripura, Pulwama, Shopian, Kashmir, Bijapur (Chattisgarh) and he was awarded a Police medal for Gallantry by the President of India on three occasions and that after clarification issued by the Inspector General of Police, CRPF, the seventh respondent resigned from the President of the Society on 05.05.2017. The learned counsel has also circulated a book published by the CRPF, in which, the second respondent has been referred as "Maaveeran Ilango".

20. The learned counsel for the respondents 4 to 7 have submitted in one voice that approval of Director General, CRPF, New Delhi is not required to form a Society and however as per the Circular, if the serving officer hold any post in the Society, an approval is necessary from the Director General, CRPF, New Delhi.

21. Heard the rival submissions and carefully perused the materials available on record.

22. In the case on hand, the petitioners have alleged that the seventh respondent had formed the sixth respondent-Society without prior permission from the Director General, CRPF, New Delhi, and he employed himself as a life time President of the sixth respondent-Society and as per the clarification issued by the Inspector General of Police, CRPF, New Delhi, no serving personnel shall directly or indirectly get associated with managing any private Society. The respondents 4 to 7

have contended that the sixth respondent-Society was formed and registered with a laudable object of providing dwelling unit to the retired Jawahans and their legal-heirs in view of the decision taken by the WARB and the seventh respondent was employed as a life time President of the sixth respondent-Society for appreciation of his efforts taken towards registration of the Society and for the follow up action to get assignment of land from the Government of Tamil Nadu. Earlier, there was no clarity with regard to holding of post by a Serving Officer in a Society and after the Circular issued by the Inspector General of Police, CRPF, New Delhi, the seventh respondent immediately resigned from the post. From a persual of the Circular issued by the WARB, which is enclosed in page No.1 of the typed-set of papers, this Court could not find any provision mandating the Society to get approval from Director General, CRPF, New Delhi.

23. It is not in dispute that apart from the 6th respondent-Society, similar Societies have been formed in other States and they have been functioning. It is also brought to the notice of this Court that the petitioners are not the members of the Society and if there is any violation, the members of the Society alone can make representation for redressal of their grievance. So, the contention of the learned counsel for the petitioners that the seventh respondent registered the Society without approval of Director General, CRPF, New Delhi and he was holding the post as life time President in violation of the norms cannot be countenanced, since the petitioners have not referred any of the Rules or Regulations to substantiate their case.

24. It is further seen from the records that the Disciplinary Proceedings have been initiated against the petitioners, when the seventh respondent was working as Deputy Inspector General of Police, Group Centre, Avadi. Hence, without any material and only to tansih the image of the seventh respondent, the Writ Petition has been filed and in view of the pendency of the Writ Petition, the Government stalled the further action to assign the land in favour of the sixth respondent-Society. Eventually, about 600 members of the sixth respondent Society have been made to suffer.

25. For the above reasons, I do not find any merit in this Writ Petition and the same is liable to be dismissed, accordingly, it is dismissed. The respondents 1 to 3 are directed to take further action for assignment of the land to the sixth respondent-Society, in accordance with law. There is no order as to

costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Revenue Department, Secretariat,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Land Administration,
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- 5.The President,
Central Armed Police Force (CAPF),
Housing Co-operative Society,
At Group Centre, CRPF Campus,
Avadi, Chennai - 600 065.

+2ccs to Mr.V.Athikesavan , Standing Counsel SR.No.75736
+1cc to M/s.R.Meenakshi , Advocate SR.No. 74729
+1cc to M/s.J.Lakshmi , Advocate SR.No. 74532

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A.SK(16/10/2019)