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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.5806 of 2022

and

W.M.P.No.5886 of 2022

NMR 175. Puthur East Women Milk Producers

Co-operative Society,

Represented by its President,

S.Jeyalakshmi, W/o.Sankar,

Puthur East Village,

Ellachipalayam, Namakkal,

Namakkal District.

...Petitioner

Vs

1.The District Collector,

Namakkal,

Namakkal District.

2.The Deputy Registrar of Co-operative Society (Milk),

Namakkal,

Namakkal District.

3.The Block Development Officer, (Village Panchayat),

Ellachipalayam Panchayat Union,

Ellachipalayam,

Namakkal.

4.The Puthur East Village Panchayat,

Represented by its President / Executive Officer,

Mrs.R.Latharaj,

Puthur East Village,

Ellachipalayam

Namakkal District.

5.Latharaj

6.M.Raj

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1, 3 & 4 to remove the lock in the old library building from which the petitioner's co-operative was functioning from its incorporation further to direct the respondents not to interfere with the peaceful possession and enjoyment of the premises namely the old library building in



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which the petitioner Co-operative Society is functioning.

For Petitioner	: Mr.N.R.S.Ganesan
For R1 & R2	: Mr.R.Kumaravel Additional Government Pleader
For R3	: Mr.A.Selvendran Special Government Pleader
For R4	: Mr.T.Arunkumar
For R6	: Mr.R.Sakthivel for M/s.R.Jayaprakash

ORDER

The petitioner has come out with the present Writ Petition for a direction to the respondents 1, 3 & 4 to remove the lock in the old library building in which the petitioner's Society was functioning from its incorporation and for further direction to the respondents not to interfere with the peaceful possession and enjoyment of the premises namely the old library building in which the petitioner Co-operative Society is functioning.

2.The petitioner is the Puthur East Women Milk Producers Co-operative Society registered under the Tamilnadu Co-operative Societies Act, 1983. All the members of the petitioner Society are only women from East Puthur Village. As per the policy of the State Government, all the members of the Society were provided cow at free of costs and some of the members borrowed loan from the Bank and other financial institutions and purchased cow. All the members of the Society are producing milk and supply the same to the petitioner Society. The main avocation of the members of the petitioner Society is from cow rearing and consequential milk production. The petitioner society is procuring the milk from the members and sells the same to the Milk Co-operative Federation (AAVIN). The 4th respondent Village Panchayat allotted its old library building to the petitioner Society. In addition to that, there are other buildings available for the panchayat. The 5th respondent was elected as President of the 4th respondent Panchayat. At the instigation of the 6th respondent who is the husband of the 5th respondent, the 4th respondent directed the petitioner to evict the premises. The petitioner gave a representation to the respondents 1, 3 & 4 requesting them not to interfere with their peaceful possession and enjoyment of the present building. The Assistant Director of the Panchayat by letter dated 10.02.2022 instructed 3rd respondent to conduct enquiry and file report. The 3rd respondent has not acted upon as per the order of the



Assistant Director of panchayat. While so, due to personal animosity, the 4th respondent locked the old library building and prevented the petitioner Society from using the building. Now, the petitioner Society is collecting milk in the open place in front of the library building from its members and distributing the same.

3.The learned counsel appearing for the petitioner submitted that all the members of the petitioner Society are under poverty line and the Society is formed as per the policy of the Government with regard to uplifting the women in the rural areas and villages. When the petitioner Society has given representation to the respondents 1,3 & 4 and the Assistant Director of the Panchayat has directed the 3rd respondent to conduct enquiry, the action of the 4th respondent locking the old library building and preventing the petitioner Society from using the old library building is arbitrary and illegal and prayed for allowing the Writ Petition.

4.The 4th respondent filed counter affidavit. Mr.T.Arunkumar, learned counsel appearing for the 4th respondent submitted that the Anganvadi Centre is functioning in the new panchayat office building as the old Anganvadi Centre has been demolished. New panchayat office is located nearby crematorium and the parents and children are not interested to go to Anganvadi as the new panchayat office is very nearer to the crematorium. In view of the same, there is no strength of the students in the Anganvadi Centre. Considering the same, the 4th respondent passed resolution dated 20.09.2021 to accommodate Anganvadi Centre in the old library building where the petitioner Society is functioning. The petitioner was informed by letter dated 02.11.2021 to vacate and handover the building to the panchayat. The 3rd respondent by letter dated 18.06.2020 directed the 4th respondent to take steps to evict the petitioner. The old library building is required for the panchayat for running Anganvadi Centre and the petitioner is not entitled for the relief sought for and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 & 2, learned Special Government Pleader appearing for the 3rd respondent as well as the learned counsel appearing for the respondents 4 & 6 and perused the material on record.

6.From the above materials, it is seen that admittedly the petitioner Society was permitted to run the Society in the old library building of panchayat. According to the learned counsel appearing for the petitioner, due to the personal animosity of the 4th respondent with the President of the petitioner Society, the 4th respondent is trying to evict the petitioner Society. The



petitioner has given representation dated 04.01.2022 to the respondents 1,3 & 4 requesting the 1st respondent to direct the 4th respondent not to evict the petitioner Society from the old library building. From the typedset of papers filed by the petitioner, it is seen that the Assistant Director of the panchayat by letter dated 10.02.2022 directed the 3rd respondent to conduct enquiry on the representation given by the petitioner Society and send a report to him and a copy to the petitioner Society. According to the petitioner, the 3rd respondent has not commenced the enquiry. While so, the 4th respondent on 20.02.2022 has locked the old library building and prevented the petitioner from using the same. From the photographs filed in the typedset of papers, it is seen that members of the petitioner Society are carrying on their activities in the open place.

7.The contention of the learned counsel appearing for the 4th respondent is that the old library building is required for running Anganvadi Centre and a resolution was passed by the panchayat to that effect and the Society called upon the petitioner to vacate the old library building. Even though such resolution was passed on 20.09.2021, the petitioner has not taken any steps to implement the said resolution till 20.02.2022. Even before 20.02.2022, the petitioner Society has given representation to the respondents 1,3 & 4 not to evict the petitioner Society from old library building. The Assistant Director of the panchayat has also instructed the 3rd respondent to conduct enquiry. Only after the representation of the petitioner Society as well as the instruction of the Assistant Director of the Panchayat to the 3rd respondent to conduct enquiry on the representation of the petitioner Society, the 4th respondent has locked the old library building and prevented the petitioner from functioning from the old library building. In view of the letter dated 10.02.2022, issued by Assistant Director of the panchayat, the 3rd respondent has to conduct enquiry on the representation of the petitioner dated 04.01.2022.

8.In view of the above, the 4th respondent is directed to remove the lock put up in the old library building forthwith and permit the petitioner to function in the said building. The 3rd respondent is directed to conduct enquiry as per the order of the Assistant Director of the panchayat and complete the enquiry after giving opportunity of hearing to the petitioner and 4th respondent, within a period of three (3) weeks from the date of receipt of a copy of this order and furnish the copy of the report to the petitioner and the 1st respondent. The 1st respondent, on receiving the report from the 3rd respondent, is directed to pass orders on the representation of the petitioner taking into consideration the report of the 3rd respondent and pass orders within a period of four (4) weeks from the date of receipt of a copy of the said report.



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9. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Namakkal, Namakkal District.
2. The Deputy Registrar of Co-operative Society (Milk),
Namakkal, Namakkal District.
3. The Block Development Officer, (Village Panchayat),
Ellachipalayam Panchayat Union,
Ellachipalayam, Namakkal.
4. The Puthur East Village Panchayat,
Represented by its President / Executive Officer,
Mrs.R.Latharaj,
Puthur East Village, Ellachipalayam
Namakkal District.

+lcc to Mr.N.R.S.Ganesan, Advocate, S.R.No.27268
+lcc to Mr.R.Jayaprakash, Advocate, S.R.No.27749
+lcc to the Government Pleader, S.R.No.27538

W.P.No.5806 of 2022

GMR(CO)
GN(23/05/2022)