



W.P.No.9132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9132 of 2023

Karupannan

.. Petitioner

Vs

- 1.The Registrar,
State Co-operative Society,
Office of Co-operative Society,
Door No.170, E.V.R. Periyar High Road,
Kilpauk, Chennai.
- 2.The Deputy Registrar,
Co-operative Society,
Office of Co-operative Society,
Gobichettipalayam,
Erode District – 638 452.
- 3.The President,
Gettisamuthiram Co-operative Agricultural Colonisation Society,
No.K.918,
Vellai Pillayar Kovil,
Barkoor Main Road,
Kottichamuthiram Post,
Anthiyur, Erode District-638 501.



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4.Karuppan
5.R.Sithaiyan
6.Lakshmi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to evict the respondents 4 to 6 from the land to an extent of 5 Acres and 3 Cents situated at Old Survey No.1048/1, 1049/2 and 1045/1, new Survey No.666/5 and hand it over the same to the petitioner.

For the Petitioner : Mr.B.Mohan

For the Respondents : Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1 to 3

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Karupannan, son of Karupan, a resident of No.4, Anna Street, G.S. Colony, Anthiyur, Erode, has filed this writ petition for issuance of a writ of mandamus directing respondents 1 and 2 to evict respondents 4 to 6 from the land measuring an extent of 5 Acres and 3 Cents in old Survey No.1048/1, 1049/2 and 1045/1, new Survey No.666/5 situated at Anthiyur Village, Erode and hand over



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the same to the petitioner.

2. Learned counsel for the petitioner submitted that the third respondent/Gettisamuthiram Co-operative Agricultural Colonisation Society is a registered society formed with an object of promoting the welfare of landless rural labourers, etc. The petitioner's father late Karupan was a member of the third respondent society and he was allotted an extent of 5 Acres and 3 Cents of agricultural land in old Survey No.1048/1, 1049/2 and 1045/1, new Survey No.666/5 situated at Anthiyur Village. During the year 1984, the petitioner's father was removed from the society vide resolution dated 24.9.1984 in view of Clause 34(b) of the society by-law quoting collusion with encroachers, who have encroached the allotted land of the petitioner's father. Even after the removal of the petitioner's father from membership, the allotted land was in his possession only.

3. Learned counsel for the petitioner further submitted that in the year 2001, the petitioner's father was chased away from the



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land in question by respondents 4 to 6 stating that the petitioner's father had transferred the said land in their favour through unregistered sale deeds purportedly executed before the panchayat head. The petitioner's father died in the year 2010 leaving behind the petitioner and his three brothers as his legal heirs.

4. Adding further, learned counsel for the petitioner submitted that after the petitioner's father was dispossessed from the land by respondents 4 to 6, taking advantage of their communal and financial backgrounds and also by forging documents, they have been in illegal possession of the land in question. Therefore, on 8.9.2017, the petitioner has submitted a representation to respondents 1 and 2 requesting them to remove respondents 4 to 6 from the land in question and return back the same to the petitioner. Since no action was taken by respondents 1 and 2, the petitioner has been advised to file the present writ petition.

5. First of all, we are unable to find any merit in the writ petition. The petitioner claimed that his father being a member of



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the third respondent society was allotted 5.03 acres of land in Survey No.1048/1, 1049/2 and 1045/1, new Survey No.666/5 situated at Anthiyur Village. However, no proof has been produced by the petitioner to show that the petitioner's father was allotted 5.03 acres of land in Anthiyur village by the third respondent society. Secondly, the petitioner contended that his father was chased away from the land by respondents 4 to 6 stating that the petitioner's father had transferred the land in their favour through unregistered sale deeds and the said unregistered documents are to be considered as forged documents. Admittedly, nothing has been produced by the petitioner in support of the said claim made by him. In the absence of any such proof, it cannot be contended that the petitioner's father was allotted 5.03 acres of land by the third respondent society and the land was illegally transferred in the name of respondents 4 to 6 and, therefore, the private respondents are to be removed from the land in question. In any event, such factual issues as to the title over the property cannot be decided by this court invoking the jurisdiction under Article 226 of the Constitution of India.



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6. Therefore, finding no merit in the writ petition, the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
24.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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