



SUB.APPL(OS).No.706 of 2024
in
CONT.P.DR.No.89375 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

SUB.APPL(OS).No.706 of 2024
in
CONT.P.DR.No.89375 of 2024

N.Balasubramaniam

... Petitioner

Vs.

1.Raja Gopal Sunkara,
The District Collector,
Erode District.

2.Dr.N.Subbaiyan,
The Registrar of Co-operative Societies,
No.170, Periyar,
E.V.R.Road,
Kilapakkam,
Chennai-103.

3.Rajkumar,
The Joint Registrar of Co-operative Societies,
Mohan Kumaramangalamsalai,
Surampatti,
Erode District.



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4.Muthu Chidambaram,
The Deputy Registrar of Co-operative Societies,
Balaji Nagar, Nalligoundanpalayam,
Gopichettypalayam,
Erode District.

5.Sri Sudha,
The Administrator,
No.AA517, Bhavanikuruchi Primary
Agricultural Co-operative Society,
Sembadampalayam,
Bhavani Taluk, Erode District.

... Respondents

PRAYER : Sub Application filed under Section 151 of the CPC, 1908, to grant leave to file the contempt petition against the respondents.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondent : Mr.M.Rajendran
Additional Government Pleader
for R2 to R5

O R D E R

This Sub Application has been filed to grant leave to the petitioner to file a contempt petition against the respondents for willful disobedience of the order of this Court dated 12.07.2022 made in W.P.No.8277 of 2019.



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2. The learned counsel appearing for the petitioner submits that the petitioner was the Board of Director in the fifth respondent Society from 2013-2018 and 2018-2023. Earlier, the fifth respondent Society has decided to construct the building for the Society at Kuruchi Village. Aggrieved by the same, one Krishnsamy, has filed a writ petition before this Court in W.P.No.8277 of 2019 and the said writ petition was dismissed by this Court on 12.07.2022. However, now the fifth respondent Society decided to construct the building for the Society in Sembadampalayam and issued a notice dated 11.06.2024, contrary to the earlier decision rendered by this Court, though loan has been sanctioned for constructing the building in Kuruchi and thereby, the petitioner, as a third party, has filed this sub application to grant leave to file a contempt petition against the respondents.

3. Heard the learned counsel appearing for the petitioner.



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4. It appears that one Krishnasamy, who was aggrieved by the proceedings of the first respondent dated 19.03.2018, by which, a new building and godown were decided to be constructed for the Society in Kuruchi Village, has filed a writ petition in W.P.No.8277 of 2019 before this Court, on the ground that the land was purchased in the year 1979 for construction of the new building and godown for the Society in Sembadampalayam, however, vide proceedings dated 19.03.2018, the first respondent has allotted the land for construction of a new building and godown for the Society in Kuruchi Village, which is a natham land and meant for dwelling purpose and it cannot be alienated, and the said writ petition was dismissed on 12.07.2022. Now, this sub-application has been filed by one N.Balasubramaniam, who is not a party in W.P.No.8277 of 2019, on the ground that the respondents now decided to construct the building in Sempadapalayam and issued a notice dated 11.06.2024 to that effect, though loan has been sanctioned for constructing the building to the



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Society in Kuruchi. However, while dismissing the writ petition filed by Krishnasamy, it has been observed that "it is for the concerned Authorities to take right decision for construction of building for the Society in which, this Court cannot substitute any reasons" and this Court has not directed the concerned Authority to construct the building for the Society in Kuruchi Village. Therefore, if at all the petitioner has any grievance by the decision of the first respondent, he is at liberty to work out his remedy in the manner known to law.

5. Accordingly, this Sub-Application is closed. Consequently, connected Cont.P.DR.No.89375 of 2024 is rejected at SR stage itself.

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NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
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