



W.P.No.26014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26014 of 2024

and

W.M.P.Nos.28428 to 28430 of 2024

N.Balasubramaniam

.... Petitioner

Vs

1.The District Collector,
Erode District.

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

3.The Joint Registrar of Co-operative Societies,
Mohan Kumaramangalam Salai,
Surampatti,
Erode District.

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

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

.... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent communication letter in Na.Ka.No.1229/2024/Tho.Ve.Sa dated 11.06.2024 and quash the same and consequently direct the respondents to implement the order of the fourth respondent made in Na.Ka.No.5862/2018.Sa.Pa dated 05.03.2019 by constructing the fifth respondent office building in the Kuruchi Village Bhavani (Taluk), Erode District.

For Petitioner	: Mr.L.P.Shanmugasundaram
For R1	: Mr.S.Jayachandran Government Advocate
For R2 to R4	: Mr.M.Rajendran Additional Government Pleader
For R5	: Mr.U.M.Ravichandran Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 11.06.2024, thereby permitted to construct the society office building at Sempadampalayam Village for Bhavani Kuruchi Primary Agricultural Co-operative Society.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The petitioner, being a member of Bhavani Kuruchi Primary Agricultural Co-operative Society, challenging the permission granted by the fourth respondent to construct office building at Sembadampalayam on the ground that the Society is not having its own building and it is running in the rented building. Therefore, in the year 2018, the fifth respondent Society made a representation before the first respondent for allotment of land for construction of Society building in Bhavani Kuruchi Village. Accordingly, the fifth respondent Society convened a general body meeting and resolved on 28.09.2019 to construct a new building at Bhavani Kuruchi for the fifth respondent Society.

4. On the basis of the resolution, the fourth respondent passed a detailed order after conducting field survey on 05.03.2019, thereby informed that the first respondent allotted a land in Kuruchi Village for construction of office building. However, it was challenged before this Court in W.P.No.8277 of 2019 and the same was dismissed by this Court by an order dated 12.07.2022. Now, the fourth respondent, by an order dated 11.06.2024, permitted to construct office building at Sembadampalayam instead of Bhavani Kuruchi.

5. The learned counsel appearing for the petitioner would



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submit that without any resolution from the fifth respondent Society, the fourth respondent itself on its own passed an order, thereby permitted to construct office building at Sembadampalayam.

6. On instructions, the learned Additional Government Pleader submitted that as ordered by the fourth respondent, the construction of the office of the fifth respondent is going on at Bhavani Kuruchi. At the same time, another building is constructed the fifth respondent at Sembadampalayam. That apart, the distance between Sembadampalayam and Bhavani Kuruchi is only three kilometers. Therefore, the petitioner may not have any grievance over the office premises at Sembadampalayam. As ordered by the fourth respondent, already the office building construction is going on at Bhavani Kuruchi Village.

7. In view of the above, this Court finds no infirmity or illegality in the order dated 11.06.2024 passed by the fourth respondent. Thus, the writ petition lacks merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.



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Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

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Note : Issue order copy on or before 25.10.2024

To

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G.K.ILANTHIRAIYAN. J.

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