



W.P.(MD)No.8535 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8535 of 2024

and

W.M.P.(MD).No.7765 of 2024

A.Suresh

... Petitioner

Vs

1. The Assistant Director,
Khadi Village Industries,
Collector Office Campus,
Kanyakumari District.
2. The Marthandam Bee Keepers Co-operative Society Limited,
Represented by its Secretary,
No.2050, Vettuvani,
Marthandam,
Kanyakumari District.
3. The Marthandam Bee Keepers Co-operative Society Limited,
Represented by its President,
No.2050, Vettuvani,
Marthandam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to implement the Schedule and quantity of purchase of honey from the



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members of the Societies as notified in the notice board on 15.03.2024 by considering the request submitted by the petitioner on 30.03.2024.

For Petitioner : Mr.Aayiram K.Selvakumar

For R-1 : Mr.Raguvaran Gopalan,
Standing Counsel

For R-2 & R-3 : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the Khadi Board and the learned Standing Counsel appearing for the Co-operative Society (Respondent Nos. 2 and 3).

2. The writ petitioner contends that he is a member of the third respondent Society. His status is not contested by the Society. However, the learned Standing Counsel appearing for the Khadi Board states that there is some dispute regarding the petitioner's membership. My attention is also drawn to the communication dated 04.04.2024 issued by the first respondent to the third respondent stating that the procurement of honey should not be made from 375 members whose membership has been questioned in the audit report. It is true that this communication has



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not been formally challenged by the petitioner. The learned counsel appearing for the petitioner points out that this Writ Petition was filed on 02.04.2024 and that this communication was issued only on 04.04.2024.

3. The petitioner's right should be determined with reference to the position obtained on the date of filing of the Writ Petition. In any event, when the management of the Society has not disputed the petitioner's status, I wonder whether the first respondent can restrain the Society from making procurement. If the petitioner's status as a member is formally nullified, then, of course thereafter procurement cannot be made. But, till then, it cannot be appropriate to prevent the Society from procuring from the petitioner.

4. The first respondent has issued proceedings indicating the level of procurement to be made from the individual members. The first respondent has prepared a schedule based on the supply made by the members during the last five years. The third respondent has also prepared a similar procurement list, but, it was made ready by taking into account the supply made for the last three years. But in both the proceedings, there



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is one common feature. The first respondent is of the view that only a maximum 1500 kgs can be procured from an individual member. Interestingly, even if the schedule prepared by the first respondent is implemented in toto, there would still be short-fall. Therefore, I direct respondent Nos.2 and 3 to take supply from the writ petitioner also as per the resolution passed by them.

5. Accordingly, this Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

6. I make it clear that the scope of the Writ Petition is confined to granting relief to the petitioner alone.

15.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

Note : Issue Order Copy by 22.04.2024



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To

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G.R.SWAMINATHAN, J.

TSG

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