



W.P.(MD)No.10442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10442 of 2024

and

W.M.P.(MD)No.9402 of 2024

1.Krishanakumar

2.Selvan

3.Ravichandran

4.Justin Sam

5.Vijayakumar

... Petitioners

Vs.

1.The Assistant Director,
Khadi Village Industries,
Collector Office Campus,
Kanyakumari District.

2.The Secretary,
The Marthandam Bee Keepers Co-Operative Society Ltd,
46,No.2050, Vettuvani, Marthandam,
Kanyakumari District.

3.The Marthandam Bee Keepers Co-Operative Society Ltd,
Rep. by its President, No.2050, Vettuvani,
Marthandam, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to



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implement the schedule and quantity of purchase of honey from the members of the societies as notified in the notice board on 15.03.2024 by the 3rd respondent society within a time frame that may be fixed by this Court.

For Petitioners : Mr.Aayiram K.Selvakumar

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel for R1.
Mr.S.Kameswaran,
Government Advocate for R2 & R3.

ORDER

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

2.The writ petitioners contend that they are members of the third respondent Society. Their 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 petitioners' 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



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true that this communication has not been formally challenged by the petitioners.

3. The petitioners' 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 petitioners' status, I wonder whether the first respondent can restrain the Society from making procurement. If the petitioners' status as a member is formally nullified, then, of course thereafter procurement cannot be made. But, till then, it is not appropriate to prevent the Society from procuring from the petitioners.

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 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



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direct respondent Nos.2 and 3 to take supply from the writ petitioners 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 petitioners alone.

29.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

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- 2.The Secretary,
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G.R.SWAMINATHAN, J.

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