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W.P.(MD) No.20531 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.(MD) No.20531 2024

and

W.M.P.(MD)No.17430 of 2024

1.Jacob

2.Jabashajila

...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, Veetuvani, Marthandam,  
Kanyakumari District.

3.The President,  
The Marthandam Bee Keepers Co-Operative Society Ltd,  
No.2050, Veetuvani,  
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 respondents to procure honey from the petitioners as per their membership Nos.1723 and 1778 respectively and as notified in notice board on 15.03.2024 of the third respondent by considering the



W.P.(MD) No.20531 of 2024

petitioner's representation dated 29.05.2024 within the stipulated time that may be fixed by this Court.

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|-----------------|------------------------------------------------|
| For Petitioners | : Mr.V.Sukumar                                 |
| For R2 & R3     | : Mr.D.Gandhiraj<br>Special Government Pleader |
| For R1          | : Mr.Raguvaran Gopalan<br>Standing Counsel     |

### **ORDER**

Heard the learned counsel appearing for the writ petitioners and the learned Standing Counsel appearing for the first respondent and the learned Special Government Pleader appearing for the Respondent Nos. 2 and 3.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The writ petitioners contend that they are members of the third respondent Society. Their status is not contested by the Society. However, the third respondent Society had refused to procure hone from the petitioners for the reasons best known to them.



WEB COPY

W.P.(MD) No.20531 of 2024



4.The learned Standing Counsel appearing for the Khadi Board states that there is some dispute regarding the petitioners' membership. He has also drawn the attention of this Court 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 not been formally challenged by the petitioners.

5. 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 the procurement cannot be made. But, till then, it is not appropriate to prevent the Society from procuring honey from the petitioners.

6.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



W.P.(MD) No.20531 of 2024

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 direct respondent Nos.2 and 3 to take supply from the writ petitioners also as per the resolution passed by them.

7. Accordingly, this Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed. It is made clear that the scope of the Writ Petition is confined to granting relief to the petitioners alone. Consequently, connected writ petition is closed.

**29.08.2024**

NCC : Yes / No  
Index : Yes / No  
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W.P.(MD) No.20531 of 2024

**N.SATHISH KUMAR, J.**

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W.P.(MD) No.20531 of 2024

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