



W.A.(MD)No.293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.(MD)No.293 of 2024

and

C.M.P.(MD)No.2837 of 2024

Sathrak

: Appellant

Vs.

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

2.Marthandam Bee Keeper's
Co-operative Society Ltd., No.2050,
Rep. by its President,
Marthandam Post,
Kanyakumari District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order passed by this Court in W.P.(MD)No.
12096 of 2022 dated 17.06.2022 and allow the Writ Appeal.



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For Appellant : Mr.A.Senthil Kumar
For Respondent No.1 : Mr.K.S.Selva Ganesan
Additional Government Pleader
For Respondent No.2 : S.C.Herold Singh

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

The appellant was a member of the second respondent Society. However, for some reasons, he has been removed from the membership on 29.02.2004. After 18 years, he has been reinstated as a member of the Society on 28.02.2022. Thereafter, he supplied honey to the second respondent society, for which he wanted money which was not given. Hence, he approached the writ Court.

2.The learned Single Judge who heard the said writ petition, rejected the same on the premise that, the appellant had not been the member, since has already been expelled from the society, he could not have supplied honey. However, the learned Counsel for the appellant, since has stated before the writ court that, the honey has been supplied by him and this position has been accepted by the second respondent by stating that the honey supplied by him has been kept intact and the society was ready to



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return the same to the appellant. Recording the same, the learned Single Judge has directed the second respondent to return the honey supplied by the appellant within few days. Aggrieved over the said order of the Writ Court, the present writ appeal has been preferred by the appellant.

3. Heard the learned Counsel on either side.

4. Since it is a fact that, even though the appellant had been removed from the membership of the Society from 29.02.2004, he has been reinstated on 28.02.2022 and thereafter, only he started supplying honey to the second respondent Society. When that being so, the reason stated that, the appellant is not a member of the second respondent society and therefore, the honey even though supplied by him has to be returned back and such a direction given by the learned Single Judge is erroneous and hence, this Court is inclined to interfere with the order of the learned Single Judge.

5. Accordingly, the order passed by the learned Single Judge is set aside and this Writ Appeal is disposed of, with the following order:



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'There shall be a direction to the second respondent to verify the supply of honey and if so, the same shall be evaluated as per the rate for which the honey with the said quality is purchased by the second respondent. Accordingly, the money to be calculated and be paid to the appellant, within a period of three [3] months from the date of receipt of a copy of this order.'

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.J.] & [G.A.M.J.]
01.04.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

MR

ORDER MADE IN
W.A.(MD)No.293 of 2024

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