



W.P.(MD)No.18539 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18539 of 2021
and
W.M.P.(MD).No.11545 of 2021

G.Mayandi Pillai

... Petitioner

Vs

1.The District Collector,
Collectorate, Madurai District.

2.The Joint Registrar,
Combined Co-Operative Societies,
Madurai Region, Madurai District

3.The Othakadai Primary Agricultural
Co-Operative Society,
Represented through its Secretary,
Narasingam Road,
Othakadai Post, Madurai District.

4.The Tahsildar,
Madurai North, Madurai.

5.C.R.K.Ram Mohan

...Respondents

(Respondent No.4 is *suo motu* impleaded Vide Court Order Dated 10.11.2021 in W.P.(MD). 18539 of 2021 and Respondent No.5 is impleaded vide Court Order dated 09.11.2023 made in W.M.P.(MD).No. 3569 of 2022 in W.P.(MD).No.18539 of 2021)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents more particularly the third Respondent herein to sanction the crop loan and disburse the same under Kisan Credit Card Scheme by Considering the Petitioner's representation dated 16/07/2021 in the light of the proceedings passed by the Registrar, Co-operative Societies in Na.Ka.No. 7566/2017/MaVaKo1, dated 25/10/2017 within a time stipulated by this Court.

For Petitioner : Mr.K.Guhan

For R-1 to R-4 : Mr.A.K.Manikkam,
Special Government Pleader

For R-5 : No Appearance

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the third respondent to sanction the crop loan and disburse the same to the petitioner under the Kisan Credit Card Scheme by considering the representation made by the petitioner on 16.07.2021.

2. It is seen from the affidavit filed by the impleaded fifth respondent that he is the owner of the subject property and the petitioner was only a cultivating tenant. Therefore, the impleaded fifth respondent has made objections for grant of loan in favour of the petitioner.



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3. When the matter was taken up for hearing, the learned Special Government Pleader produced the Circular dated 01.11.2017, wherein, it has been stated as follows:

□பார்வையில் காணும் பதிவாளர் அவர்களின் கடிதத்தில் தொடக்க வேளாண்மை கூட்டுறவு கடன் சங்கங்கள், பயிர்கடன் வழங்கதலில், நில உடைமையாளர்களுக்கு பயிர்க்கடன் வழங்க 10(1) சிட்டா பெறுவதும், குத்தகை மற்றும் வாய்மொழிப்பாட்டத்தில் பயிரிடுவோர் அளிக்கும் சுய உறுதிமொழி (Self Declaration) அல்லது கிராம நிர்வாக அலுவலர் வழங்கும் அடங்கலில் குத்தகைக்கு பயிரிடுவோரின் நிலப்பரப்பும் எழுதப்பட் தோ அல்லது நில உடைமையாளருக்கும் குத்தகைக்கு பயிரிடுவோருக்கும் இடையே ஆன ஒப்பந்தம் போன்ற ஆவணங்களை விவசாயிடமிருந்து பெற்று பயிர்க்கடன் வழங்க தெரிவிக்கப்பட்டுள்ளது.□

4. In view of the above, unless and otherwise the petitioner satisfies the above requirements as provided in the Circular, there is no scope for granting crop loan in favour of the petitioner. Therefore, it is left open to the petitioner to comply with the Circular dated 01.11.2017 and seek for crop loan from the third respondent.



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5. This Writ Petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

09.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

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