



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1274 of 2015

and

M.P(MD)No.1 of 2015

1.The Joint Director,
Pudukottai District Central
Co-operative Bank,
834-836, East Raja Street,
Pudukottai and District 622 001.

2.The Secretary,
Mullangurichi Primary Agricultural
Co-operative Credit Society Limited,
Sooraikadu, Mullangurichi Post,
Karambakudi Taluk,
Pudukottai District 622 304.

3.The President,
Mullangurichi Primary Agricultural
Co-operative Credit Society Limited,
Sooraikadu, Mullangurichi Post,
Karambakudi Taluk,
Pudukottai District 622 304.

... Appellants

Vs.

A.Soosai

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the orders dated 08.07.2014 made in W.P.(MD)No.4146 of 2014.

Prayer in WP(MD)No.4146/2014:- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 1st respondent in Na.Ka.972/2013-14/C1 dated 25.04.2013 as arbitrary and illegal and quash the same and consequently directing the respondents to disburse the loan amount for purchase of cows under the Dairy Entrepreneurship Development Scheme (DEDS) as per his application submitted in the month of May 2012 to the 2nd respondent .

For Appellants

: Mr.A.K.Baskarapandian,

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader.

For Respondent

: Mr.K.Balasundaram

JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

Aggrieved over the order passed by the learned single Judge directing the appellants to consider the respondent's loan application by taking into consideration the property document produced by the respondent as security, the appellants are before this Court.

2. Heard Mr.A.K.Baskarapandian, learned Special Government Pleader for the appellants. Mr.K.Balasundaram, learned counsel takes notice for the respondent.

3. The respondent who is an agriculturalist sought for a loan from the third appellant co-operative society to purchase 10 cows to the value of Rs.6 lakhs and in order to secure the loan, the respondent was willing to produce documents relating to his house property, chitta adangal and other revenue records. However, the third appellant by an order dated 25.04.2013, rejected the respondent's application stating that the property security offered is lesser than the amount of loan advance and the said house was constructed under the Solar Powered Green House Scheme (Pasumai Veedugal). Challenging the said rejection, the respondent filed a writ petition in W.P(MD)No.4146 of 2014.

4. The learned single Judge directed the second appellant to consider the respondent's loan application and rejected the contention of the appellants stating that the deficit security to the loan value cannot be a ground as the respondent offered the security to the tune of Rs.5,43,000/- whereas the loan amount sought was Rs.6 lakhs. Secondly, the contention of the appellants with regard to the rejection of security offered by the respondent that the house was constructed under the Solar Powered Green House Scheme (Pasumai Veedugal). Merely because the house was constructed under the said scheme, that does not mean that the respondent does not have title over the property. The Government as a part of its welfare scheme has developed these Green Houses with a view to provide shelter and to preserve the environment.

5. Therefore, the appellants are bound to accept the house property as security. We do not find any illegality or irregularity in the order passed by the learned single Judge. Accordingly, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/



To

1.The Joint Director,
Pudukottai District Central
Co-operative Bank,
834-836, East Raja Street,
Pudukottai and District 622 001.

2.The Secretary,
Mullangurichi Primary Agricultural
Co-operative Credit Society Limited,
Sooraikadu, Mullangurichi Post,
Karambakudi Taluk,
Pudukottai District 622 304.

3.The President,
Mullangurichi Primary Agricultural
Co-operative Credit Society Limited,
Sooraikadu, Mullangurichi Post,
Karambakudi Taluk,
Pudukottai District 622 304.

+One cc to The Special Government Pleader, SR.No.70398

+One cc to M/s.K.Balasundharam , Advocate, SR.No.70089

sms

RL/6C/SKS/RR/31/12/2015

Writ Appeal (MD) No.1274 of 2015
and
M.P (MD) No.1 of 2015

08.12.2015