

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43045 of 2016

V.Alamelu

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep by its Secretary
Co-operation, Food and Consumer
Protection Department
Secretariat
Chennai 600 009
 2. The Registrar of Co-operative Societies
N V Natarajan Maaligai
170 Periyar EVR High Road
Kilpauk, Chennai 600 010
 3. The Joint Registrar of Co-operative Societies
Collectorate
Salem 636 001
 4. The Deputy Registrar of Co-operative Societies
Salem Division, Backside of Central Co-operative Bank
Salem 636 001
 5. The Secretary
S-1160 Korathupatti Primary Agricultural
Credit Society Ltd.,
Veeranam Post
Salem 636 112
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the fifth respondent to grant agricultural loan to the petitioner by considering the petitioner's representation dated 27.10.2016.

For Petitioner :: Mr.A.Nagarathinam

For Respondents :: Mr.L.P.Shanmughasundaram
Special Government Pleader

ORDER

Mrs.V.Alamelu, W/o late Veemagounder, being an agriculturist doing agricultural works along with her family members, is also owning property comprised in Survey No.56(2A1), 2B, 2I measuring about 0.36.50 Ares situated at Veeranam Village, Salem District, for which patta also has been issued bearing No.783 in favour of the petitioner and her sons Mr.Subramani, Mr.Sekar, Mr.Mani and Mr.Raja. Besides, the Village Administrative Officer, Korathupatti, Salem also had issued adangal with regard to the land in question on 12.10.2016. In addition thereto, the petitioner has been issued with a certificate of having agricultural property at Veeranam village, Salem District. Since the petitioner is a member bearing No.3641 from 2004, the Primary Agricultural Credit Societies generally provide short term and medium credit loan to the farmers for agricultural and allied activities as per the direction issued by the Government of Tamil Nadu. In this regard, the petitioner also obtained loan of Rs.12,600/- from the fifth respondent society during the year 2015-16. Then the Government of Tamil Nadu had waived the entire loan of Rs.18,877/- as on 31.3.2016, for which the petitioner was also issued with a certificate by the fifth respondent society to that effect. Subsequently, when the Government of Tamil Nadu have issued directions to all the co-operative societies to disburse agricultural loans to all the small and marginal farmers, the fifth respondent society is also issuing agricultural loans to all the small and marginal farmers. Therefore, the petitioner also approached the fifth respondent society on 26.10.2016 requesting to grant agricultural loan. But she was refused agricultural loan for the reasons best known to them. Again she made a representation on 27.10.2016 requesting the fifth respondent society to grant agricultural loan. As the time for cultivation is fast approaching, if a direction is given to the fifth respondent to consider the petitioner's representation, no prejudice would be caused to any one.

2. The learned Special Government Pleader taking notice on behalf of the respondents submitted that in view of the demonetisation announced by the Central Government, it will be difficult to entertain the representation given by the petitioner. He has also submitted that the financial bank of the fifth respondent society is also not made a party in the writ petition.

3. When the petitioner's previous loan account has already been considered and the benefit of waiver has already been granted to the petitioner, this Court finds no impediment to direct the fifth respondent society to consider the case of the petitioner. Accordingly, the fifth respondent society is

directed to consider the representation of the petitioner dated 27.10.2016 on merits and pass appropriate orders in accordance with law expeditiously. With this observation, the writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
Co-operation, Food and Consumer
Protection Department
Secretariat
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+1 cc to Govt.Pleader,sr.73300

+1 cc to M/s.A.Nagarathinam,advocate,sr.73088

+1 cc to M/s.L.P.Shanmuga sundaram,advocate,sr.72933.

sai(co)
krd 9/1

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