



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.20426 of 2016

B.Jerald Leenus

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Cooperation, Food and Consumer Protection
(CCI) Department,
Fort St.George,
Chennai - 600 009.
- 2.The Registrar of Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
- 3.The Managing Director,
Tamilnadu State Apex Co-operative Bank,
Chennai - 600 001.
- 4.The Managing Director,
Tamil Nadu Co-operative State Agricultural
& Rural Development Bank,
Chennai - 600 004.
- 5.The Joint Registrar of Co-operative Societies,
Vedantha Street, Nagercoil.
- 6.The Managing Director,
Kanyakumari District Central Cooperative Bank,
Alexandra Press Road, Nagercoil.
- 7.The President,
Sarakkalvilar Primary Agricultural
Co-operative and Credit Society,
Y-183, Sarakkalvilai,
Edalakudy Post,
Nagercoil.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 5th respondent to constitute a committee as contemplated in clause



23 of G.O.Ms.No.59 Co-operation Food and Consumer Protection (CC1) Department dated 28.08.2016 to verify the loan waiver list of the 7th respondent society and include the eligible beneficiaries in the same.

For Petitioner : Mr.C.T.Perumal
For RR - 1, 2, 3 & 5 : Mr.V.R.Shanmuganathan
Special Government Pleader
For - RR - 4, 6, & 7 : No appearance

O R D E R

This writ petition has been filed, seeking a direction to the fifth respondent to constitute a committee as contemplated in clause 23 of G.O.Ms.No.59 Co-operation, Food and Consumer Protection (CC1) Department, dated 28.06.2016 to verify the loan waiver list of the 7th respondent society and include the eligible beneficiaries.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader, who takes notice for the respondents 1, 2, 3 and 5. By consent, this writ petition is taken up for final disposal at the stage of admission.

3.The Government issued G.O.Ms.No.50, Co-operation Food and Consumer Protection (CC1) Department, dated 23.05.2016, which provides for waiver of outstanding crop loan, medium term (agriculture) loan and long term (farm sector) loan issued to the small and marginal farmers by the Cooperative Banks as on 31.03.2016.

4.The first respondent has also issued G.O.Ms.No.59 Co-operation, Food and Consumer Protection (CC1) Department dated 28.06.2016 stipulating the guidelines to the Cooperative Societies with regard to waiver of agricultural loans. The agricultural loan waiver scheme will be applicable to the Primary Agricultural Cooperative Credit Societies among others. Under G.O.Ms.No.59, the farmers are classified as Small and Marginal. The "small farmers" means, those farmers having total landholding of size ranging from 2.5 acres to 5 acres and 'marginal farmer' means those farmers with landholding of upto 2.5 acres.

5.The learned counsel appearing for the petitioner submitted that the third respondent is acting against the Government Orders and they have the list of persons, whose loans have been waived. But this list was not prepared in a proper and transparent manner and it was also not published as contemplated in the G.O.Ms.No.59 Co-operation, Food and Consumer Protection (CC1) Department, dated 28.06.2016.

<https://hccs.ecourts.gov.in/hccs/ver/>

6.Clause 23 of G.O.Ms.No.59 provides for publication of the



list of eligible small and marginal farmers whose lands have been waived. It also provides for objections being filed with regard to the list of publications and if objections are received within a week after display of the list, the Joint Registrar is expected to constitute a committee extensively to verify the eligibility of those cases.

7.The grievance of the petitioner is that the provisions of the Government Order have been violated and the non transparent act of the third respondent is impermissible. Instances have been pointed out, where the eligible farmers, who are not included in the list. So stating the representation dated 30.09.2016 has been submitted. As the representation is not considered, this Writ petition has been filed.

8.Considering the circumstances stated in the representation, the fifth respondent is directed to consider the representation dated 30.09.2016 in the light of G.O.Ms.No.59 Co-operation, Food and Consumer Protection (CC1) Department, dated 28.06.2016 and to pass orders within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also expected to appear before the fifth respondent and to provide necessary details and to assist the fifth respondent.

9.The Writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.14605 of 2016 is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Cooperation, Food and Consumer Protection
(CCII) Department,
Fort St.George,
Chennai - 600 009.

2.The Registrar of Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk,
Chennai - 600 010.

3.The Managing Director,
State Apex Co-operative Bank,
Chennai - 600 001.



4.The Joint Registrar of Co-operative Societies,
Vedantha Street,
Nagercoil.

+1cc to Mr.C.T.Perumal Advocate Sr.No. 63362

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+1cc to Spl.Government Pleader Sr.No.64187

JAM/14.11.16/GSV-PM/ 4p-7c

W.P (MD) No.20426 of 2016

25.10.2016