



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.22425 of 2016
and W.M.P (MD) No.16059 of 2016

R.Baby

: Petitioner

Vs.

- 1.The Joint Registrar (Co-operative Societies),
Thanjavur zone, Thanjavur.
- 2.The Deputy Registrar (Co-operative Societies),
Kumbakonam, Thanjavur District.
- 3.The Secretary,
Z-805 Koonancheri Primary Agricultural Co-op. Credit Society,
Koonancheri, Thirumandangudi,
Papanasam Taluk,
Thanjavur District - 612 301.
- 4.The Cane Officer,
Thiru Arooran Sugar Factory,
Thirumandangudi, Thirumandangudi Post,
Papanasam Taluk,
Thanjavur District - 612 301.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondents communication Na.Ka.No.5729/2016 Thou.Va.Ku.Ka.cha. dated 19.09.2016 signed on 21.10.2016 and quash the same and direct the 1st Respondent to direct the 3rd respondent in incorporate petitioner's name in the beneficiary list of waiver of loan as small farmer for the year 2015-2016 and to grant alternative benefit by considering petitioner's representation dated 07.11.2016 within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents 1 and 2: Mr.V.R.Shanmuganathan,
Special Government Pleader.

**ORDER**

This is a Writ of Certiorari of Mandamus challenging the order dated 19.09.2016 passed by the first respondent and also praying for a direction to the first respondent to direct the third respondent to incorporate the petitioner's name in the list of beneficiaries of waiver of loan as small farmer for the year 2015-2016 and to grant alternative benefit, by considering the petitioner's representation, dated 07.11.2016.

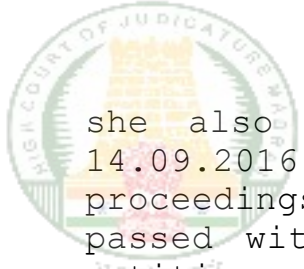
2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal.

3.0. The brief facts leading to the filing of this writ petition are as follows:

The petitioner is an agriculturist and she is continuously cultivating sugar cane crop and supplying the same to the fourth respondent Sugar Cane Factory. Her membership number is 2707. While so, for the year 2015-2016, she has cultivated sugar cane crop in her own land in Survey No.331/1 in patta No.317 to an extent of 0.29.5 hectares and in her tenancy land also. Due to inadvertent mistake, while registering cultivation of sugar cane with the first respondent, there was a double entry with regard to same patta number. In fact, the land in Survey No.329/4 originally stood in the name of her husband and subsequently it was transferred to his son in patta No.720. The said land in Survey No.643 and Patta No.720 are one and the same.

3.1. The third respondent admitted the mistake and replied that they will grant loan only for one item of land for patta No.720 in respect of survey No.329/4 under the category of rattan.

3.2. The fourth respondent used to give loan for a sum of Rs.38,000/- per acre for plantation and Rs.30,000/- per acre for rattan. After calculation, she received a total loan of Rs.1,62,964/- for the extent of 4 acres 87 cents. Due to failure of monsoon and non-supply of water supply from Cauvery, the Government formulated a scheme to waive the loan for small farmers, as per G.O.No.50, dated 23.05.2016 and G.O.No.59, dated 28.06.2016 and based on the same, she became eligible for waiver of loan. But, her name was not found in the beneficiary list published by the third respondent. She explained to the third respondent about the error in calculation of total extent of land, where she is cultivating sugar cane crop and also produced all the documents. She also preferred an appeal before the second respondent on 31.08.2016 and the second respondent, by the communication dated 09.09.2016 rejected the same. Subsequently,



she also preferred an appeal before the first respondent on 14.09.2016 and the same has also been rejected, by the impugned proceedings dated 19.09.2016. As the impugned order has been passed without affording an opportunity of hearing to her, the petitioner has come up with this writ petition.

4.A perusal of the impugned order would go to show that the same has been passed without following the principles of natural justice and also without affording an opportunity of hearing to the petitioner.

5.Under such circumstances, the impugned order dated 19.09.2016 passed by the first respondent is set-aside and the matter is remitted back to the authorities concerned, with direction to provide an opportunity of hearing to the petitioner and to decide the matter afresh, within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar (Admn)

/True Copy/

Sub Assistant Registrar

smn

To

1.The Joint Registrar (Co-operative Societies),
Thanjavur zone, Thanjavur.

2.The Deputy Registrar (Co-operative Societies),
Kumbakonam, Thanjavur District.

+1cc to Mr.A.HAJAMOHIDEEN Advocate Sr.No. 71919

+1cc to Spl.Government Pleader Sr.No. 72669

JAM/03.01.2017/SS 3/3P-5C

ORDER MADE IN
W.P (MD) No.22425 of 2016 and
W.M.P (MD) No.16059 of 2016
23.11.2016