



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

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**THE HON'BLE DR.JUSTICE S.VIMALA**

W.P (MD) No.23219 of 2016

K.Manokaran

... Petitioner

vs.

- 1.Tamil Government of Tamil Nadu,  
rep.by its Principal Secretary,  
Co-operation, Food and Consumer Protection  
Department, Fort St.George,  
Secretariat, Chennai - 600 009.
  - 2.The Registrar of Cooperative Societies,  
Kilpauk, Chennai - 600 010.
  - 3.The Joint Registrar of Cooperative Societies,  
Theni Region, Theni.
  - 4.The Deputy Registrar of Cooperative Societies,  
Periyakulam, Theni District.
  - 5.M.D.Spl.95, Jeyamangalam Primary  
Agricultural Cooperative Credit Society,  
rep.by its Secretary, Jeyamangalam,  
Periyakulam Taluk,  
Theni District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 4th respondent in Na.Ka.No.1084/2016/Thova dated 10.09.2016 quash the same and direct respondents 2 to 5 to waive the entire agricultural loan amount of Rs.70,000/- availed by the petitioner in the 5th respondent society along with interest and penal interest as per the G.O.Ms.No.59 dated 28.08.2016 issued by the 1st respondent.

For Petitioner : Mr.R.Subramanian  
For Respondents : Mr.A.Muthukaruppan  
Additional Government Pleader

ORDER

This writ petition has been filed seeking to quash the impugned order dated 10.09.2016 passed by the fourth respondent, under which, grant of waiver of loan has been declined.

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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. By consent the writ petition itself is taken up for final disposal at the stage of admission.

3. According to the petitioner, he is an agriculturist having 3.38 acres of land in Jeyamangalam Village, Periyakulam Taluk, Theni District. In respect of the above said land, sub divisions have been made. The authorities concerned issued joint patta in respect of S.No.553/5 (measuring 59 cents) along with other pattadars, as there is a common well in the said survey number. On 30.11.2015, the petitioner applied for a short term loan of Rs.70,000/- in the fifth respondent society, in which, it is stated that the petitioner is doing agricultural work only in respect of 3.38 acres.

3(i) As per instruction given by the fifth respondent, the petitioner has produced the joint patta in S.No.553/5 and also produced the settlement register dated 12.07.2010.

3(ii) The first respondent issued G.O.Ms.No.50, dated 23.05.2016 announcing waiver scheme and subsequently issued G.O.Ms.No.59 dated 28.06.2016, prescribing certain guidelines. As per G.O.Ms.No.50, dated 23.05.2016, outstanding crop loan, medium term (agriculture) loan and long term (farm sector) loan issued to small and marginal farmers by the Co-operative Bank, as on 31.03.2016, be waived.

Under the Annexure to G.O.(Ms) No.59, dated 28.06.2016, the classification of farmers as small and marginal farmers for the purpose of the scheme would be the same as recorded in the landholding register and loan register at the time of sanction of agricultural loan. The definition of 'small farmer' 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 up to 2.5 acres. As per the terms and the conditions mentioned in the Government Orders, referred to supra, prima facie, as per the scheme, the loan amount obtained by the petitioner is liable to be waived.

3(iii) When the petitioner approached the fifth respondent to know about the loan status, the fifth respondent informed that the petitioner is not entitled for waiver, as in the joint patta produced by the petitioner, it is mentioned that S.No.553/5 measures 1.43 hectares only and therefore, he is not entitled for waiver. Hence the petitioner has sent a representation to the respondents 3 and 4, seeking to consider his claim. But the fourth respondent rejected the request of the petitioner by the impugned proceedings dated 10.09.2016. Challenging the same, the present writ petition has been

4. The learned counsel for the petitioner has produced the



copy of the settlement deed dated 12.07.2010, under which, the petitioner is shown to be the owner of 3.38 acres.

5. The learned Additional Government Pleader for the respondents has not disputed the above said facts.

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6. Under such circumstances, the writ petition is allowed and the impugned order dated 10.09.2016 passed by the fourth respondent is set-aside and matter is remitted to the fourth respondent. The fourth respondent is directed to consider the claim of the petitioner afresh, in the light of the settlement deed and any other document(s) that may be produced before the fourth respondent. No costs. Consequently, WMP(MD)No.16658 of 2016 is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Principal Secretary,  
Tamil Government of Tamil Nadu,  
Co-operation, Food and Consumer Protection  
Department, Fort St.George,  
Secretariat, Chennai - 600 009.
- 2.The Registrar of Cooperative Societies,  
Kilpauk, Chennai - 600 010.
- 3.The Joint Registrar of Cooperative Societies,  
Theni Region, Theni.
- 4.The Deputy Registrar of Cooperative Societies,  
Periyakulam, Theni District.
- 5.The Secretary,  
M.D.Spl.95, Jeyamangalam Primary  
Agricultural Cooperative Credit Society,  
Jeyamangalam, Periyakulam Taluk,  
Theni District.

+1CC to Mr.R.Subramanian, Advocate Sr.No.79107

+1CC to Spl.Government Pleader Sr.No.79790

GJM/SV/MMS/15.2.17-3p-8c

W.P (MD) No.23219 of 2016

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