

HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 9666 of 2017

G.Govindaraj

... petitioner

Vs.

1. The Managing Director/ Additional Registrar,
Tamil Nadu State Co-operative
Primary Agricultural & Rural
Development Bank Limited,
Chennai-600 004.
 2. The Joint Registrar of Co-operative
Societies, Collectorate Campus,
Vengikal, Thiruvannamalai-606 604.
 3. The President,
Chengam Co-operative Primary Agricultural
and Rural Development bank,
H.H.118, Chengam,
Thiruvannamalai District.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned order passed by the 3rd respondent dated 27.03.2017 and quash the same in respect of the interest alone and further direct the respondents 1 & 2 to consider the case of the petitioner under one time settlement scheme and extend the benefits provided under G.O. Ms. No.139 dated 17.12.2014 and other government orders in force.

For Petitioner : Mr.R.Dhinesh Kumar
For R1 to R3 : Mr.V.Selvaraj,
Additional Government Pleader

ORDER

The petitioner has filed the writ petition before this court challenging the impugned order dated 27.03.2017 passed by the third respondent.

2. According to the petitioner, the petitioner availed loan to the tune of Rs.8,75,000/- from the third respondent bank under "non farmer scheme" on 31.03.1999 by giving his properties as a collateral security. The petitioner paid the said loan for some years without any default. As the petitioner's financial condition was critical, he was not able to pay the instalments which resulted in declaration of non-performing assets by the third respondent. Then, the third respondent issued a demand notice and the property was taken by sale setoff dated 22.06.2010. In the mean time, the first respondent had issued an order in GO.Ms.No.139 (Co-operative Food and Consumer Protection Department dated 17.12.2014 in which the Government had called the defaulters and provided the levy of interest / additional interest / penal interest in respect of non farmers sector loans, who are willing to settle the long pending loan amount under one time settlement scheme with time limit as 31.03.2014 and the same was extended upto 31.03.2017. Then, the petitioner made a representation to the third respondent to provide the benefits of the above Government Order. But, without considering the request, the third respondent issued a sale notice dated 13.02.2017 against which the petitioner approached this Court to set aside the said notice. After hearing the case, this Court by order dated 21.03.2017 directed the third respondent to consider the petitioner's representation. Then, the petitioner made a representation to the third respondent as directed by this Court, but the third respondent issued a proceedings dated 27.03.2017 that the said Government Order was not applicable to the petitioner's case. Hence, the petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner would submit that the petitioner undertakes to settle the above loans by way of one time settlement and requests this Court to direct the third respondent to consider the petitioner's representation.

4. Mr.V.Selvaraj, the learned Additional Government Pleader would submit that, if the petitioner is aggrieved over the proceedings issued by the third respondent, he has to approach the Deputy Registrar who is the competent authority and hence the writ petition is not maintainable before this Court.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. In view of the submissions made by the learned Additional Government Pleader and in the light of the decision rendered in the case of Marappan case, 2006 4 CTC 689, it is concluded that the petitioner has an efficacious alternative remedy to approach

the competent authority and therefore the writ petition is not maintainable before this Court.

6. The writ petition is disposed of with liberty to the petitioner to approach the Cooperative Tribunal under Section 152 of the Tamil Nadu Cooperative Societies Act for the abovesaid prayer. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

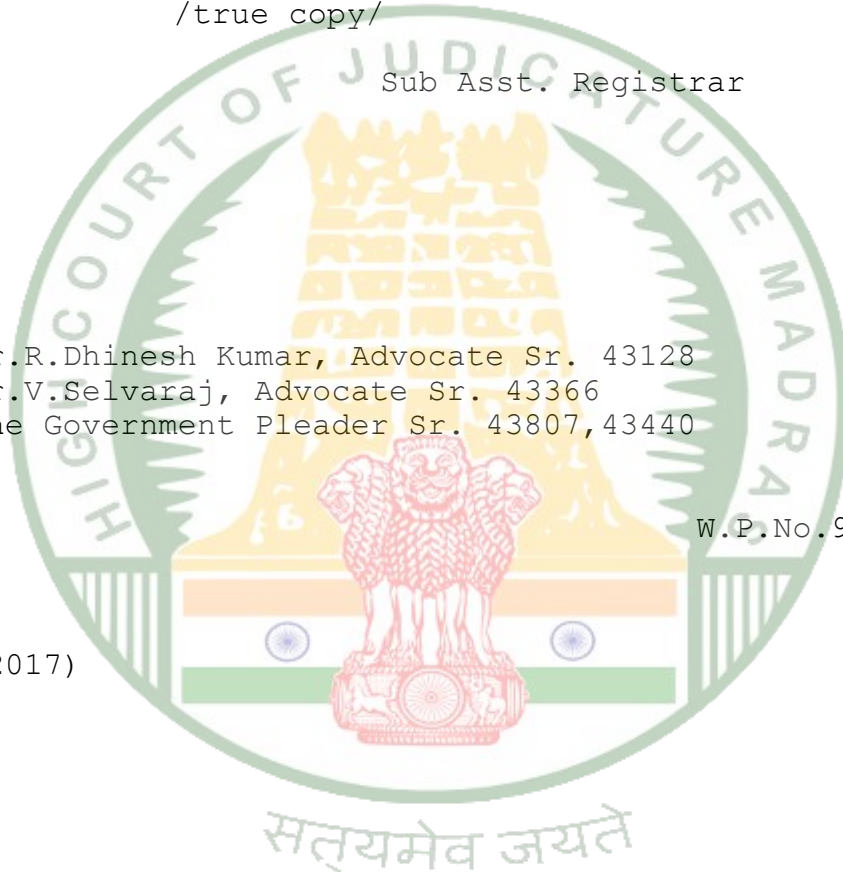
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To

+1cc to Mr.R.Dhinesh Kumar, Advocate Sr. 43128
+1cc to Mr.V.Selvaraj, Advocate Sr. 43366
+1cc to the Government Pleader Sr. 43807,43440

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AR(IV)
VR(17/07/2017)



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