

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

W.P. No.6705 of 2017 and
W.M.P.Nos.7248, 7249 and 7291 of 2017

R.Thangamani

Vs.

..Petitioner

1. The Deputy Registrar of
Co-operative Societies,
Nallagoundenpalayam North,
Nallagoundenpalayam-638 476.
Gobichettipallayam,
Gobichettipalayam Taluk,
Erode District.
2. The Secretary,
K.770, Kembanaickenpalayam Primary Agriculture
Co-operative Society,
Dasappagoundenpudur Via,
Kembanaickenpalayam -638 503,
Sathyamangalam Taluk,
Erode District.
3. The President,
K.770, Kembanaickenpalayam Primary Agriculture
Co-operative Society,
Dasappagoundenpudur Via,
Kembanaickenpalayam -638 503,
Sathyamangalam Taluk,
Erode District.

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution

of India, to issue a Writ of Certiorari, to call for the records of the impugned the 3rd respondent proceeding paper publication in Dinathanthi dated 10.03.2017.

For petitioner : Mr.S.Kolandasamy

For respondents : Mrs.T.Girija
Government Advocate for R1

Mr.L.P.Shanmuga Sundaram, Special
Government Pleader for R2 & R3

ORDER:

According to the learned counsel for the petitioner, the petitioner approached the second respondent to avail three agricultural gold loans on 31.03.2015. For the said loans, the Secretary issued three receipts in the name of General Jewel Loan only in February 2016 and assured that receipts for the same in the name of Agricultural Jewel Loan would be issued later. Because of this, the petitioner was not able to get benefited under the 'Loan Waiving Scheme 2016" as per G.O.No.50 Department of Cooperative Food and Consumer Protection Department (CCI) dt 23.05.2016. The petitioner again approached the second respondent for waiving the loan and requested to disclose the list of beneficiaries who benefited under Loan Waiving Scheme 2016. But the

respondent refused to do so. Moreover, the third respondent published the petitioner's name for auction the gold jewels, as if it was mortgaged under general gold loan. Then, on 08.11.2016, the petitioner issued a legal notice to the first and second respondents and others requesting to call off the auction and waive the loans. Further, the petitioner sent representation dated 19.01.2017 to the first respondent to pass order to the second respondent with regard to include the petitioner's name in the List of Agricultural loan waiving scheme 2016 which was prepared by the second respondent. The first respondent issued a notice to the petitioner making false statements in order to help the then Secretary to escape from the clutches of law. While being so, the second respondent is always threatening the petitioner that if the petitioner fails to pay the loan amount of Rs.5,06,000/- along with interest, the petitioner's name would be published in any one of the Tamil Dailies for auctioning of the said jewels. On 10.03.2017, the third respondent through paper publication has announced for auctioning of the said jewels. Hence, the petitioner has filed this writ petition.

2. The learned Government Advocate would submit that against the impugned auction notice, this court granted a

conditional interim order on 20.03.2017, but the petitioner has not complied with the same. Hence, the interim order dated 20.03.2017 should be vacated and consequently, the writ petition is also liable to be dismissed. If the petitioner is aggrieved, he can approach the appropriate forum to agitate the same.

3. As pointed out by the learned Government Advocate, since the petitioner has not complied with the conditional order dated 20.03.2017 passed by this Court, although the time was further extended as per the order dated 28.04.2017 in WMP No.11497 of 2017, the writ petition is liable to be dismissed.

4. Accordingly, the writ petition is dismissed as not maintainable. However, it is open to the petitioner to approach before the appropriate forum, if it is permissible under law and if so advised. Consequently, connected miscellaneous petitions are closed. No costs.

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Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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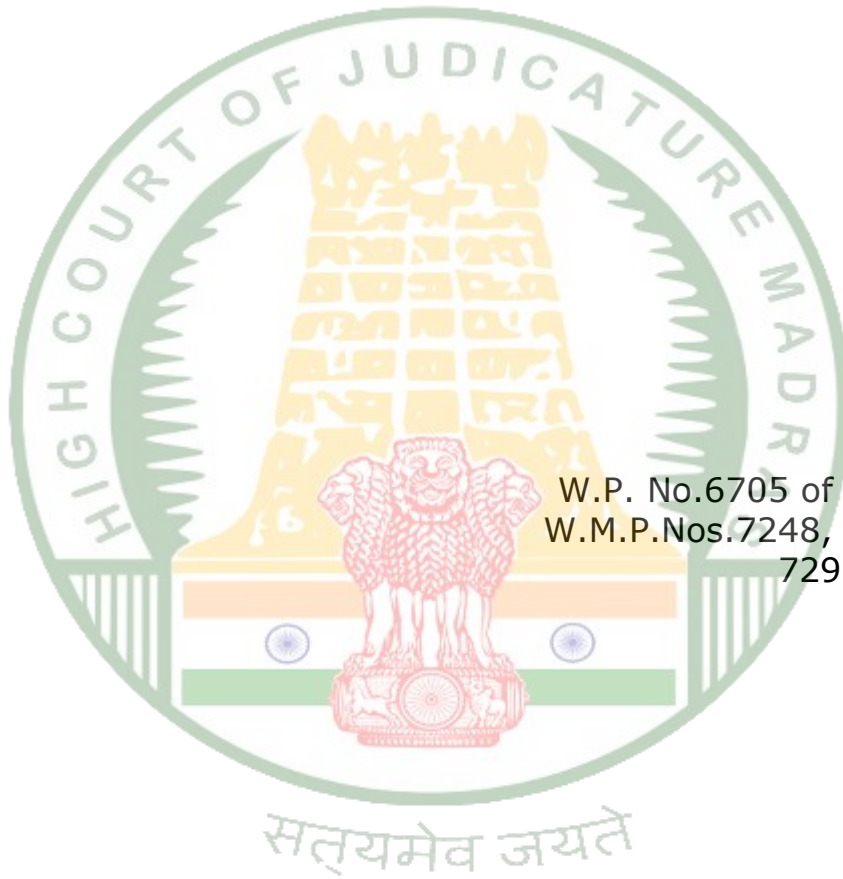
To

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