

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE D.KRISHNAKUMAR

W.P.No.6826 of 2017
and WMP.No.7393 of 2017

G.Govindaraj

.. Petitioner

Vs

1. The State of Tamil Nadu
Rep by its Secretary to Government,
Co-operative Food and
Consumer Production Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Managing Director /Additional Registrar,
Tamil Nadu State Co-operative Primary
Agricultural & Rural Development Bank Limited,
Chennai - 600 004.
3. The Joint Registrar of Co-operative Societies,
Collectorate Campus, Vengikal,
Thiruvannamalai - 606 604.
4. The President,
Chengam Co-operative Primary Agricultural
and Rural Development Bank, H.H.118,
Chengam, Thiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondents in connection with the impugned order passed by the 4th respondent dated 13.02.2017 and quash the same in respect of the interest alone and further direct the respondents 1-3 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.

For Petitioner : Mr.R.Dhinesh Kumar

For Respondents : Mrs.T.Girija
Government Advocate [RR1, 3 & 4]
Mr.L.P.Shanmugasundaram
Special Government Pleader [R2]

ORDER

By the consent of parties, Writ Petition itself is taken up for final disposal at the admission stage.

2. According to the petitioner, he is an agriculturist and was running a rice mill in the name of "Thangam Modern Rice Mill". With a view to modernise his rice mill, he availed loan from the fourth respondent-bank to the tune of Rs.8,75,000/- on 31.3.1999 under "non farmer scheme" on surrendering few of his properties as collateral security. When the petitioner defaulted in making payment of loan amount, the fourth respondent-bank issued demand notice to the petitioner and finally brought the petitioner's properties to auction.

3. The learned counsel for the petitioner has stated that the first respondent had issued G.O.Ms.No.139 (Co-operative Food and Consumer Protection Department) dated 17.12.2014, in order to collect the long pending dues from the defaulters, who had availed loan under Non Farmers Sector (NFS) and to settle their dues under "One time settlement scheme" (OTS). The said benefit has been extended till 31.03.2017 by the subsequent G.O.Ms.No.4 (Co-operative Food and Consumer Protection Department) dated 21.01.2017. The learned counsel for the petitioner further submitted that the petitioner is ready to settle the loan amount under "one time settlement scheme" and in this regard he has made several representations to the fourth respondent-bank.

4. Despite the petitioner being entitled to get the benefit under the said scheme, the representations made by him have not been considered by the fourth respondent-Co-operative Bank. Therefore, the petitioner has filed the present writ petition seeking direction to the respondents to consider his case under one time settlement scheme and to extend him the benefits provided under the said government order.

5. In the light of the said G.O.Ms.No.139 (Co-operative Food and Consumer Protection Department) dated 17.12.2014 and the subsequent G.O.Ms.No.4 (Co-operative Food and Consumer Protection Department) dated 21.01.2017, this Court is inclined to direct the fourth respondent-Co-operative Bank to consider the petitioner's representations dated 25.11.2016, 26.12.2016 and 18.02.2017, for settlement of outstanding loan amount due to them under "one time settlement scheme (OTS)" as introduced by the Government, in accordance with law, on or before 31.03.2017.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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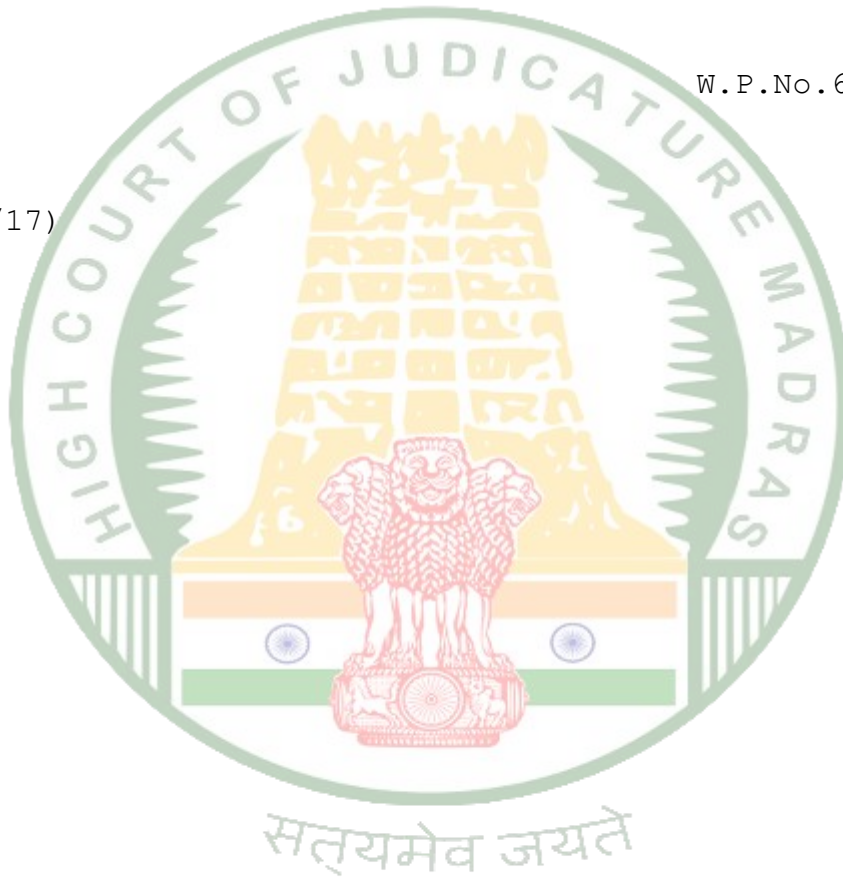
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+1cc to Mr.R.Dinesh kumar, Advocate, S.R.No.17306
+1cc to the Government Pleader, S.R.No.17727

W.P.No.6826 of 2017

mp (co)
rmp (22/03/17)



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