

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.04.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.3152 of 2014

Sannasi Varatha Gupta

... Petitioner

Vs

1. The Joint Registrar of Cooperative Societies,
Salem Region, Salem

2. The Deputy Registrar of Cooperative Societies,
Attur, Salem District.

3. The General Manager,
No.94, Attur Town Cooperative Bank,
58/78, Arunagiri Nathar Street,
Attur 636 102. Salem District. .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of Certiorarified Mandamus calling for the records relating to the letter of the 2nd respondent in Na.Ka.1034/2011 thuthi dated 11.10.2013 and the consequential notice issued by the third respondent dated 23.10.2013 quash the same and direct the respondents to implement the Government Orders in G.O.(2D) No.77 and G.O.(2D) No.133, Co-operation, Food and Consumer Department, dated 22.07.2009 and 30.11.2010 respectively and to reconvey the house property situated in D.No.90, Narasingapuram, Attur, Salem district to the petitioner.

For Petitioner : Mr.S.Doraisamy

For Respondents: Ms.T.Girija,
Government Advocate for R1 and R2
Mr.T.Murugamanickam (SC)
for Mrs.Zeenath Begam for R3

ORDER

The prayer in the writ petition is to issue a writ of Certiorarified Mandamus calling for the records relating to the letter of the 2nd respondent in Na.Ka.1034/2011 thuthi dated 11.10.2013 and the consequential notice issued by the third respondent dated 23.10.2013 quash the same and direct the

respondents to implement the Government Orders in G.O.(2D) No.77 and G.O.(2D) No.133, Co-operation, Food and Consumer Department, dated 22.07.2009 and 30.11.2010 respectively and to reconvey the house property situated in D.No.90, Narasingapuram, Attur, Salem district to the petitioner.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that as per the Government Orders in G.O.(2D) No.77 and G.O.(2D) No.133, Co-operation, Food and Consumer Department, dated 22.07.2009 and 30.11.2010 the petitioner is entitled to get the benefit under the scheme and therefore, the petitioner has filed the present writ petition before this Court stating that the entire loan amount has been paid to the third respondent Bank and therefore the request of the petitioner to re-convey the immovable property has to be considered.

4. The learned counsel for the third respondent submitted that the aforesaid Government Orders in G.O.(2D) No.77 and G.O.(2D) No.133, Co-operation, Food and Consumer Department, dated 22.07.2009 and 30.11.2010 cannot be applied to the petitioner. If at all, the petitioner can approach the authority under Rule 131(2) (b) of the Tamil Nadu Cooperative Societies Rules, 1988 to re-convey the immovable property. So far, the petitioner has not approached the third respondent for re-conveying the immovable property. If the petitioner approached the third respondent under Rule 131 (2) (b) of Tamil Nadu Cooperative Societies Rules, 1988 the same would be considered.

5. The learned Government Advocate appearing for first and second respondents stated that the second respondent had communicated a letter to the third respondent Bank to consider the request of the petitioner under Rule 131 (2) (b) of the Tamil Nadu Cooperative Societies Rules.

6. By considering the facts and circumstances of the case and the submissions made by both the counsels, this Court is of the view that liberty may be given to the petitioner to approach the third respondent Bank by filing necessary application under Rule 131 (2) (b) of Tamil Nadu Cooperative Societies Rules, 1988. At this juncture, Mr.Murugamanickam, learned senior counsel appearing for the third respondent submitted that the third respondent would consider the said application independently as per the communication received from the first respondent/Joint Registrar of the Cooperative Societies Act, 1988.

7. Accordingly this writ petition is disposed of giving liberty to the petitioner to approach the third respondent Bank by filing necessary application under Rule 131 (2) (b) of Tamil Nadu Cooperative Societies Rules, 1988. On receipt of such application, third respondent is directed to consider the said application independently, as per the communication received from the first respondent/Joint Registrar of the Cooperative Societies Act, 1988. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Joint Registrar of Cooperative Societies,
Salem Region, Salem
2. The Deputy Registrar of Cooperative Societies,
Attur, Salem District.
3. The General Manager,
No.94, Attur Town Cooperative Bank,
58/78, Arunagiri Nathar Street,
Attur 636 102. Salem.

+1 cc to Mr.S.Doraisamy,advocate,sr.22012

+1 cc to M/s.Zenath Begam,advocate,sr.22221

+1 cc to Govt.Pleader,sr.22697.

sks(co)
krd 24/4

सत्यमेव जयते

W.P. No.3152 of 2014

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