

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.210 of 2017

Adma Iyarkai Vivasayeegal Vilaiporul Aarval Kuzhu
(Registered as Sl.No.119/2016 under Societies
Registration Act, 1975)
represented by its President S.Vijayakumar
Pilparuthi Post, Pappireddipatti Taluk
Dharmapuri District .. Petitioner

-vs-

1. The Government of Tamil Nadu
represented by its Secretary
Co-operation, Food & Consumer
Protection Department
Secretariat, Fort St.George
Chennai 600 009
2. The Registrar of Co-operative Societies
No.170, N.V.Natarajan Maaligai
EVR High Road, Kilpauk
Chennai 600 010
3. The Joint Registrar of Co-operative Societies
Dharmapuri Zone, District Collector's Office Complex
Dharmapuri District
4. The Deputy Registrar of Co-operative Societies
Dharmapuri Zone
District Collector's Office Complex
Dharmapuri District
5. The President / Secretary
S.641, Pilparuthi Primary Agricultural
Co-operative Credit Society Limited
Pilparuthi Post, Pappireddipatti Taluk
Dharmapuri District .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus,
calling for the records pertaining to the impugned order made in
Na.Ka.No.3037/2016/tho.sa 1(4) dated 26.9.2016 passed by the
fourth respondent and quash the same and consequently direct the
respondents to waive the loans of the members of the
petitioner's association by invoking the Government Order in

G.O.Ms.Nos.50 and 59, Co-operation, Food and Consumer Protection (CCI) Department dated 23.05.2016 and 28.06.2016 respectively.

For Petitioner :: Mr.S.Vijay Anand

For Respondents :: Mr.L.P.Shanmughasundaram
Special Government Pleader

ORDER

Adma Iyarkai Vivasayeegal Vilaiporul Aarval Kuzhu represented by its President, Pilparuthi Post, Dharmapuri District has approached this Court challenging the impugned order dated 26.9.2016 passed by the Deputy Registrar of Co-operative Societies, Dharmapuri Zone, the fourth respondent herein in Na.Ka.No.3037/2016/tho.sa 1(4) and to quash the same with a consequential direction to the respondents to waive the loans of the members of the petitioner's association by invoking the Government Order in G.O.Ms.Nos.50 and 59, Co-operation, Food and Consumer Protection (CCI) Department dated 23.05.2016 and 28.06.2016 respectively.

2. Learned counsel for the petitioner submitted that the Adma Iyarkai Vivasayeegal Vilaiporul Aarval Kuzhu, a society registered under the Tamil Nadu Societies Registration Act, 1975 in Serial No.119 of 2016, consists of 19 members including its President. When all the members of the Kuzhu had obtained individual loan and also repaid the same along with interest thereon to the fifth respondent society, namely, S.641, Pilparuthi Primary Agricultural Co-operative Credit Society Limited for the period 2015-16 before 19th January, 2016, all the members have once again applied for sanction of loan for the period 2016-17 before the fifth respondent. But the fifth respondent had orally informed all the 19 members of the petitioner Kuzhu not to put any date in the application forms. Accordingly, all the 19 members, after filling up the loan application forms and after duly signing the same, have submitted the forms without putting the date as requested by the fifth respondent. However, the fifth respondent, without even sanctioning the loan, delayed it by stating one or other reason (s). But after some time, the fifth respondent finally sanctioned the loan only in the month of April, 2016 to the members. Since the Government of Tamil Nadu has passed G.O.Ms.No.50, Co-operation, Food and Consumer Protection (CCI) Department dated 23.5.2016 ordering that the outstanding Crop Loan, Medium Term (Agriculture) Loan and Long Term (Farm Sector) Loan issued to the small and marginal farmers by the Co-operative Banks as on 31.3.2016 be waived, the delay in the sanction of loan to the members of the Kuzhu by the fifth respondent has caused huge loss. Had the fifth respondent not delayed the sanction of loan, the members of the petitioner would have got the benefit of the aforementioned Government Order, he pleaded.

3. The learned Special Government Pleader, taking notice on behalf of the respondents, heavily contended that the writ petition filed by the Kuzhu on behalf of its members seeking waiver of the loan cannot be entertained, since the affected individual alone has to approach the concerned respondent.

4. I find merits in the submission of the learned Special Government Pleader for the respondents. Firstly, the writ petition cannot be entertained at the instance of the petitioner Kuzhu without the individual approaching the concerned respondent. Secondly, in the present case, all the members of the petitioner Kuzhu had rightly repaid the loans before 19.1.2016 to the fifth respondent, paving the way for availing the fresh loan for the year 2016-17. Therefore, the delay in the process of sanctioning the loan by the fifth respondent cannot be taken as a cause of action by the petitioner Kuzhu for coming to this Court to claim the benefit of the G.O.Ms.Nos.50 and 59, Co-operation, Food and Consumer Protection (CCI) Department dated 23.05.2016 and 28.06.2016 respectively. Hence this Court is not inclined to entertain the writ petition. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.Nos.197 and 198 of 2017 are also dismissed. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government
Co-operation, Food & Consumer
Protection Department
Fort St.George, Chennai 600 009
2. The Registrar of Co-operative Societies
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5. The President / Secretary
S.641, Pilparuthi Primary Agricultural
Co-operative Credit Society Limited
Pilparuthi Post, Pappireddipatti Taluk
Dharmapuri District

+2 cc's to Mr.Vijay Anand,advocate,sr.998

+1 cc to mr.L.P.Shanmugasundaram,advocate,sr.1254

+1 cc to Govt.Pleader,sr.2103

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