

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.9418 of 2010

and

M.P. No.1 of 2010

G.Balaji

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Chennai -9.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai -10.
3. Salem Agricultural Producers
Co-operative Marketing Society Ltd,
S.439 Rep. by its Special Officer,
305, Suramangalam Main Road,
Salem - 636 009.

... Respondents

PRAYER : This Writ Petition is filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to prepare the statement of accounts relating to the loan account of the petitioner by calculating the interest at 6% on the principal outstanding calculated from the date of issue of loan upto the date of agreement to enable the petitioner to settle the remaining 75% of the dues under the Non Farming Sector Loan Interest Wavier Scheme introduced in G.O. (2D) No.77 dated 22.07.2009 issued by the 1st respondent herein by considering the representation dated 07.04.2010 and 30.01.2010 addressed to the respondents 1 and 3 herein and pass such further or other suitable orders.

For Petitioner :Mr.N.Manokaran

For Respondents:Ms.T.Girija,
Government Advocate for R1 & R2

Mrs.C.K.Vishnupriya for R3.

O R D E R

This Writ Petition has been filed seeking to direct the respondents to prepare the statement of accounts, relating to the loan account of the petitioner by calculating the interest at 6% on the principal outstanding calculated from the date of issue of loan upto the date of agreement, to enable the petitioner to settle the remaining 75% of the dues under the Non Farming Sector Loan Interest Waiver Scheme introduced in G.O. (2D) No.77 dated 22.07.2009 issued by the 1st respondent herein by considering the representation dated 07.04.2010 and 30.01.2010 addressed to the respondents 1 and 3.

2. The learned counsel appearing for the Petitioner submitted that the petitioner availed loan of Rs.25 lakhs from the third respondent bank. Though, he has been repaying the loan periodically, the respondents held that the petitioner has committed irregularities, without giving proper credit to his loan account. Whiles, the respondents introduced "Non Farming Sector Loan Interest Waiver Scheme" by issuing various government orders granting waiver of penal interest, payable within a stipulated period. Subsequently, the 1st respondent issued G.O(2D) No.77 dated 22.07.2009 introducing One Time Settlement scheme enabling the defaulters to settle their dues, along with an interest of 6%, calculated from the date of issue of the loan upto the date of agreement. Based on the said G.O, the second respondent issued a circular No.31 of 2009 in RC.No.56599/09/CM3 dated 14.10.2009 extending the benefits of OTS Scheme. Hence, the third respondent issued a notice to the petitioner directing him to pay a sum of Rs.76,91,460/-. Pursuant to the same, the petitioner remitted a sum of Rs.18,41,325/- towards 25% of the amount due. Learned counsel further submits that the petitioner is ready and willing to settle the entire dues along with the interest at the rate of 6%, calculated from the date of issue of the loan upto the date of agreement i.e. 30.01.2010. Therefore, requested this Court to direct the respondents to prepare a statement of accounts in respect of the principal outstanding, along with 6% interest from the date of issue of loan upto the date of agreement i.e. 30.01.2010. The petitioner has submitted representations dated 30.01.2010 and 07.04.2010 to that effect. The authorities have not passed any order, appreciating the claim made by the petitioner. Hence, the petitioner has filed the present Writ Petition, seeking the aforesaid prayer.

3. On the Contrary, the learned counsel for the respondents submitted that the Writ Petition is not maintainable, in view of the Full Bench Judgment of this Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. Further, if the petitioner is aggrieved, he has to approach the concerned

authority under Section 90 of the Tamil Nadu Cooperative Societies Act. Hence, the writ petition is liable to be dismissed.

4. Heard the rival submissions of the parties and perused the material available on records.

5. Considering the submissions made by the learned counsel for the respondents and the decision cited supra, this court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to approach the competent authority under Section 90 of the said Act, within a period of four weeks from the date of receipt of a copy of this Order, if so advised. On receipt of any such application, the same shall be considered in accordance with law, as expeditiously as possible.

6. Therefore, the writ petition is dismissed, with the above observations. Consequently, connected Miscellaneous Petition is closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

rkp/avr

To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Chennai -9.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai -10.

+1 CC to Mr.Manokaran, advocate sr 54935

+1 CC to Govt. Pleader sr 55725

W.P. No.9418 of 2010

and

M.P. No.1 of 2010

SP(15/09/2017)