

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.24597 of 2017

S.Balasubramaniam

..Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies, Erode Region,
Mohan Kumaramangalam Street,
Surampatti, Erode,
Erode District.
2. The Deputy Registrar of Cooperative Societies, Erode Circle,
Mohan Kumaramangalam Street,
Surampatti, Erode,
Erode District.
3. The President,
A.A.226 Modakurichi Primary Agricultural Cooperative Credit Society Limited,
Modakurichi - 638 104, Erode District.
4. The Secretary,
A.A.226, Modakurichi Primary Agricultural Cooperative Credit Society Limited,
Modakurichi - 638 104, Erode District.

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to consider and pass orders on merits by disposing the written representation made by the petitioner on 14.08.2017 within a stipulated time as this Hon'ble Court fixes.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader
For R1 & R2

ORDER:

The petitioner and other members approached the third and fourth respondents for obtaining agricultural loan and non-form sector loan. But the respondents refused to sanction the same stating that there were several members who obtained non-form sector loans to the tune of nearly Rs.2 crores did not repay the said amount and hence, the society could not sanction further loans. Pursuant to that the petitioner made a written representation on 14.08.2017 to the first and second respondents by RPAD requesting to take action against the defaulters for non payment of the loan amount to the Society. Since the representation is still pending with the respondents, the petitioner has filed the writ petition before this Court.

2. The learned Special Government Pleader would submit that the said representation is available with the department and the same shall be considered in accordance with law.

3. In view of the submissions made by the learned counsel for the parties, it is seen from the representation dated 14.08.2017 that the petitioner made the representation addressing to the first respondent. Admittedly, the competent authority is the Deputy Registrar of Cooperative Societies, namely, the second respondent. Only a copy of the said representation has been addressed to the second respondent. Therefore, the petitioner has to make fresh representation by addressing to the second respondent within a period of two weeks from today. On receipt of the said representation, if any, the second respondent shall consider the representation dated 14.08.2017 and subsequent representation addressed to the second respondent and take decision as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this Order, which shall be communicated to the petitioner.

4. The writ petition is disposed of with above directions. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Joint Registrar of Cooperative Societies, Erode Region,
Mohan Kumaramangalam Street,
Surampatti, Erode,
Erode District.

2. The Deputy Registrar of Cooperative Societies, Erode Circle,
Mohan Kumaramangalam Street,
Surampatti, Erode,
Erode District.

3. The President,
A.A.226 Modakurichi Primary Agricultural Cooperative Credit Society Limited,
Modakurichi - 638 104, Erode District.

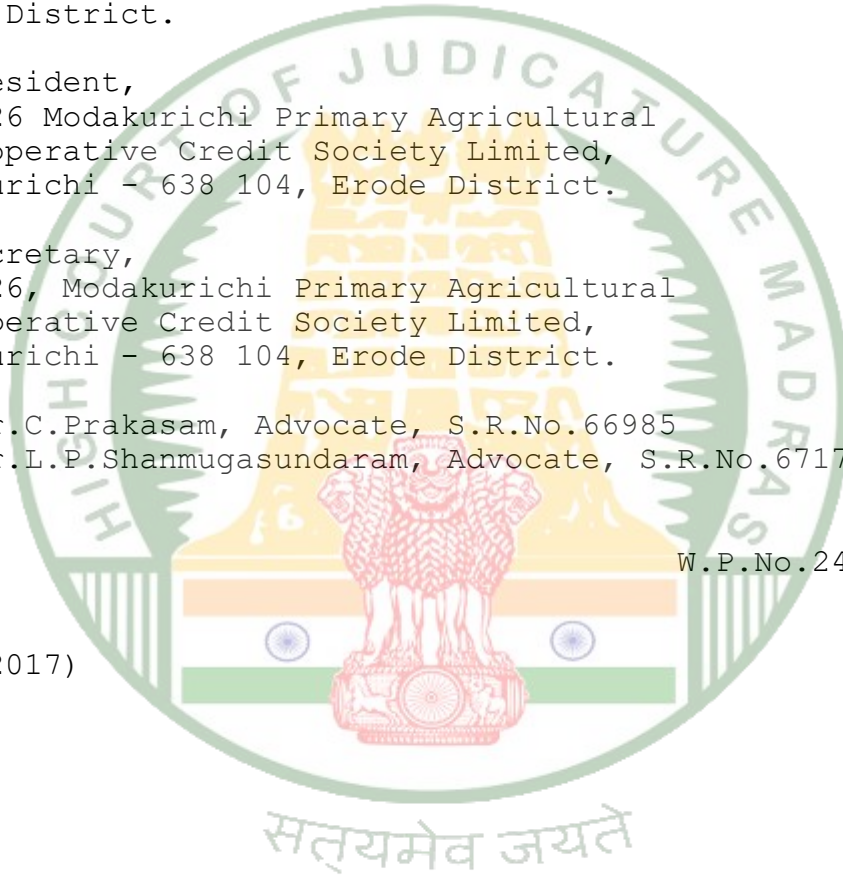
4. The Secretary,
A.A.226, Modakurichi Primary Agricultural Cooperative Credit Society Limited,
Modakurichi - 638 104, Erode District.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.66985

+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.67174

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VGI (CO)
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