

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 6103 of 2012

and

M.P. No. 1 of 2012

M.Umapathy

... Petitioner

Vs.

1. The State Rep. by its
Secretary to Government,
Co-operative Food and Consumer
Protection (CC 1) Department,
Secretariat, Chennai - 600 009.

2. The Special Officer,
Aavudaiyarkoil Co-operative
Primary Agricultural and Rural
Development Bank Ltd.,
Aavudaiyarkoil,
Pudukottai District.

.... Respondents

Prayer : This Writ petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to extent the benefit of G.O.(2D) No.77, Co-operative, Food and Consumer Protection (CC1) Department dated 22.07.2009 regarding waiver of interest and penal interest to the petitioner those who have already paid part of the non agricultural loan amount and pass such any other orders.

For Petitioner : Mr.A.Vivekanandan.

For Respondents : Mr.T.Girija,

Government Advocate for R1

Mr.L.P.Shanmugasundaram,

Special Government Pleader for R2.

O R D E R

The Petitioner has filed the present Writ Petition seeking to direct the respondents to extent the benefit of G.O. (2D) No.77, Co-operative, Food and Consumer Protection (CC1)

Department dated 22.07.2009 regarding waiver of interest and penal interest to the petitioner those who have already paid part of the non agricultural loan amount.

2. The learned counsel for the petitioner submitted that the petitioner obtained a loan of Rs.3,08,000/- from the 2nd respondent society to start a flour mill and oil mill, during the year 2001. Due to severe loss caused to his customers and due to natural calamities, the petitioner was unable to repay the loan instalments properly. Whiles, the Government passed orders in G.O(2D) No.77 dated 22.07.2009 granting waiver of accumulated interest, penal interest and other interest to persons whoever availed non-agricultural loan from the Co-operative Banks and who have failed to repay the entire due amount. However, without considering the payments already made by the petitioner and the proposals of the Government in the aforesaid G.O., the second respondent issued the impugned notification in Daily Paper dated 10.02.2012 for attachment of property towards recovery of the balance loan amount.

3. According to the petitioner, he has made a representation on 29.02.2012 to the 1st respondent, requesting to extend the benefit waiver of interest granted by the Government in G.O(2D) No.77 dated 22.07.2009. The said representation is pending before the respondent society. Since no orders have been passed in his representation, the petitioner has filed the present writ petition seeking the aforesaid prayer.

4. Today, when the matter was taken up for final disposal, the learned counsel for the second respondent placed a notice issued by the second respondent, informing that under G.O. No.74 Co-operative, Food and Consumer Protection Department dated 18.05.2017, the One Time Settlement Scheme benefit has been announced by the Government.

5. In the light of the above, the present Writ Petition is dismissed. However, it is open to the petitioner to approach the concerned authority, for availing the benefit under One Time Settlement Scheme. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

avr

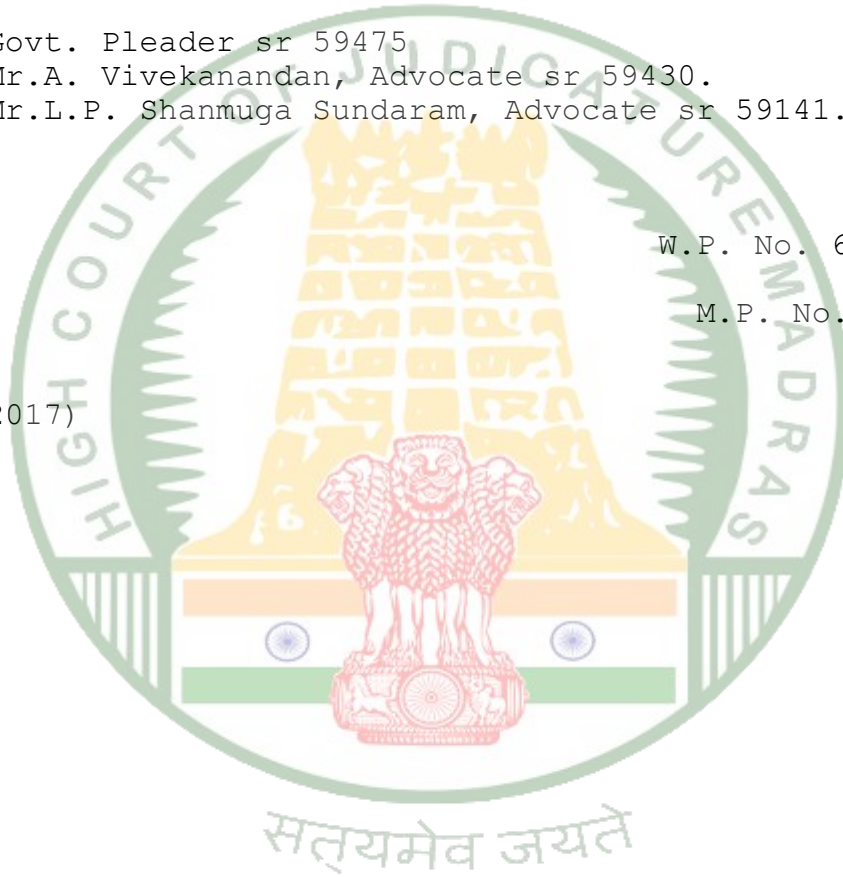
To

1. The Secretary to Government,
Co-operative Food and Consumer
Protection (CC 1) Department,
Secretariat, Chennai - 600 009.
2. The Special Officer,
Aavudaiyarkoil Co-operative Primary
Agricultural and Rural Development Bank Ltd.,
AavudaiyarKoil, Pudukottai District.

+1 CC to Govt. Pleader sr 59475
+1 Cc to Mr.A. Vivekanandan, Advocate sr 59430.
+1 Cc to Mr.L.P. Shanmuga Sundaram, Advocate sr 59141.

W.P. No. 6103 of 2012
and
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PVS (CO)
sp(06/10/2017)



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