

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.2512 of 2017

T.Chitrarasu

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Cooperation, Food and Consumer (CC1) Dept.,
Secretariat, Chennai - 9.
2. The Registrar of Cooperative Societies,
Kilpauk, Chennai - 10.
3. The Joint Registrar of Cooperative Societies,
Ariyalur Circle, Ariyalur District.
4. The Deputy Registrar of Cooperative Societies,
Ariyalur Circle, Ariyalur District.
5. The Secretary,
The Udayarpalayam Primary Agricultural
Cooperative Society,
Udayarpalayam,
Ariyalur District - 621 804.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records pertaining to the proceeding made in Na.Ka.2269/2016/Ve.Se.Sa(8), dated 19.09.2016 issued by the third respondent and quash the same and further direct the respondents 3 to 5 to extend the benefit of G.O.Ms.No.59, dated 28.06.2016 waiving the principal, interest and penal interest on the crop loan and agricultural loan obtained from the respondent society.

For petitioner
For Respondents

: Mr.G.Pugazhenth
: Ms.T.Girija, GA

O R D E R

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 19.09.2016 of the third respondent / the Joint Registrar of Cooperative Societies, Ariyalur District, in and by which, the request of the petitioner to extend the benefit of G.O.Ms.No.59, dated 28.06.2016, waiving the crop loan, medium term (agricultural) loan to all the small and marginal farmers, was rejected.

2. Heard the learned counsel appearing on either side.

3. The petitioner is owning 2.5 acres of land covered in Survey No.182/5B, situated at Kangeyankurichi, Pilichikuzhi Revenue Village, Udayarpalayam, Ariyalur District. After becoming the member of the respondent bank, when he had approached the bank for loan, he was informed that he was not eligible to get the loan and therefore, he was asked to get consent for execution of mortgage deed in respect of the land owned by one Mr.Rajendran and Mr.Selladurai. Subsequently, the petitioner as well as those two persons had also executed the mortgage deed in favour of the fifth respondent society. Thereafter, he had obtained a loan to the tune of Rs.3,90,000/- in the year 2007 for the purpose of erecting bore-well and pipeline for the agricultural purpose. It is also stated that so far, he has paid a sum of Rs.2,50,000/- towards the said loan. It is also further stated that he has also repaid the entire loan so as to renew the said loan for the next year, however, since he did not repay the interest, the said loan became overdue loan as on date.

4. In the meanwhile, the Government of Tamil Nadu, issued a G.O.Ms.No.59, dated 28.06.2016, waiving the crop loan, medium term (agricultural) loan granted to the small and marginal farmers by the Cooperative Societies outstanding as on 31.03.2016 and to that effect, guidelines have also been issued to the Cooperative Societies. Thereafter, since the petitioner is coming under the category of marginal farmer as per the said guidelines as he is having only 2.5 acres of land, he has made an application dated 31.03.2016 seeking the benefit of the above said G.O., however, the third respondent has passed the present impugned proceeding rejecting such request of the petitioner.

5. When the matter was taken up on 02.02.2017, this Court directed the learned Government Advocate appearing for the respondent Society to get instruction as to whether the petitioner is really coming under the category of marginal farmer to avail the benefit of the said G.O. and accordingly, on taking instruction, today, learned Government Advocate produced

a copy of the patta issued by the Deputy Tahsildar, Jeyakondam, on 13.03.2017, wherein it is stated that the petitioner is owning 3.77 acres of land, which is under the category of marginal farmer.

6. Thus, in view of the above said patta issued by the Deputy Tahsildar stating that the petitioner is owning only 3.77 acres of lands, the impugned order passed by the third respondent holding that the petitioner is not eligible to get the benefit of G.O.Ms.No.59, dated 28.06.2016, as he is having more than 5 acres of land, in my view, is not legally tenable. Therefore, on this score, the impugned proceeding is set aside.

7. In fine, for the reasons stated above, the writ petition stands allowed. Consequently, the respondents 3 to 5 are directed to extend the benefit of the above said G.O. to the petitioner. No Costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-VI)

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary,
Cooperation, Food and Consumer (CC1) Dept.,
Secretariat, Chennai - 9.
2. The Registrar of Cooperative Societies,
Kilpauk, Chennai - 10.
3. The Joint Registrar of Cooperative Societies,
Ariyalur Circle, Ariyalur District.
4. The Deputy Registrar of Cooperative Societies,
Ariyalur Circle, Ariyalur District.

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5. The Secretary,
The Udayarpalayam Primary Agricultural
Cooperative Society,
Udayarpalayam,
Ariyalur District - 621 804.

+1 CC to T. Girija, sr 8110
+1 CC to Mr. G. Pugazhenthii, Advocate sr 7688
+1mCC to The Govt. Pleader sr 8058

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RJ (CO)
sp/2/3



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