

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.40348/2016 & WMP Nos.34423 to 34425/2016

P.Ramachandran

... Petitioner

-Vs-

1. The Secretary,
Co-Operation, Food and consumer
Protection Department,
Secretariat,
Chennai-600 009.
2. The Registrar of Co-Operative Societies,
No.170, N.V.Natrajan Maaligai,
E.V.R.High Road, Kilpauk,
Chennai-600 010.
3. The Joint Registrar of Co-Operative Societies,
Erode Zone,
Kanniaya Layout,
Karungalpalayam, Erode-638003.
4. The Deputy Registrar of Co-Operative Societies,
Gobi Region,
Bajanai Kovil Street,
Gobichettipalayam,
Erode District.
5. The Secretary,
No.A.A-250, Kannapalli PACS Ltd.,
P.K.Pudur, Anthiyur Taluk,
Erode District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for records of the 3rd respondent in his proceedings in Na.Ga.No.6132/2016/Co-Operative Agriculture Society (109) dated 16.09.2016 and quash the same and consequently directing the 5th respondent waive crop loan amount sum of Rs.75,000/- (Seventy Five Thousand Rupees) based upon my representation dated 27.08.2016 in pursuance of G.O.Ms.No.50 dated 23.05.2016 and

G.O.Ms.No.59, dated 28.06.2016 Co-Operation, Food and consumer Protection (CCI) Department.

For Petitioner : Mrs.R.Mohana Priya

For Respondents : Mrs.T.Giriya, GA

ORDER

The prayer in the writ petition is to issue Writ of Certiorarified Mandamus calling for records of the 3rd respondent in his proceedings in Na.Ga.No.6132/2016/Co-Operative Agriculture Society (109) dated 16.09.2016 and quash the same and consequently directing the 5th respondent waive crop loan to the tune of Rs.75,000/- (Seventy Five Thousand Rupees) based on the representation dated 27.08.2016 made by the petitioner in pursuance of G.P.Ms.No.50 dated 23.05.2016 and G.O.Ms.No.59, dated 28.06.2016 Co-Operation, Food and consumer Protection (CCI) Department.

2. It is brought to the notice of this Court by the learned counsel for the petitioner that the relief as prayed for by the petitioner in the present writ petition is squarely covered by the decision of this Court in W.P.No.18119/2016 and W.M.P.(MD) Nos.13066 & 13067/2016 dated 04.04.2017 in case of of ["National South Indian River Interlinking Agriculturist Association, represented by its State President Mr.P.Ayyakannu . Vs. The Government of Tamil nadu by its Secretary, Co-Operation, Food & Consumer Protection Department, Secretariat Chennai and another"].

3. The learned Additional Government Pleader appearing for the third respondent would submit that the third respondent rejected the claim of the petitioner, on the ground that the petitioner is not comes under the category of small and marginal farmers since the land used by the petitioner for cultivation of crops is more than 5 acres of land i.e., 5.05 acres. As per the scheme framed under G.O.Ms.59, Co-operation, Food and consumer Protection (CC1) Department dated 28.06.2016 and G.O.Ms.No.50, Co-operation, Food and consumer Protection (CC1) Department dated 23.05.2016, small and marginal farmers who cultivated crops in 5 acres or less then 5 acres of land alone are eligible for waiver of crop loan. Thus, petitioner is not eligible for waiver of crop loan availed by him.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and

also perused the materials available on record and also the Division Bench judgment of this Court in W.P.No.18119 of 2016 and W.M.P.(MD) Nos.13066 & 13067 of 2016 dated 04.04.2017.

5. In the light of the aforesaid decision of this Court in W.P.No.18119 of 2016 and W.M.P.(MD) Nos.13066 & 13067 of 2016 dated 04.04.2017, the impugned order passed by the third respondent is quashed and third respondent is directed to pass appropriate orders in the light of the aforesaid decision, within a period of four months from the date of receipt of a copy of this order.

6. The writ petition is allowed with the above direction. No costs. Consequently, the Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Secretary,
Co-Operation, Food and consumer
Protection Department,
Secretariat,
Chennai-600 009.
2. The Registrar of Co-Operative Societies,
No.170, N.V.Natrajan Maaligai,
E.V.R.High Road, Kilpauk, Chennai-600 010.
3. The Joint Registrar of Co-Operative Societies,
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4. The Deputy Registrar of Co-Operative Societies,
Gobi Region,
Bajanai Kovil Street,
Gobichettipalayam, Erode District.

5. The Secretary,
No.A.A-250, Kannapalli PACS Ltd.,
P.K.Pudur, Anthiyur Taluk, Erode District.

+1cc to Mr.E.C.Ramesh, Advocate, S.R.No.22917
+1cc to the Government Pleader, S.R.No.22844

W.P.No.40348/2016

PPA (CO)
CS/04/07/17



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