

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.41286 of 2016
and
W.M.P.No.35250 of 2016

A.Sivasubramaniyam

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
 2. The Joint Registrar of Co-operative Societies,
Erode Region, Erode District.
 3. The Deputy Registrar of Co-operative Societies,
Erode.
 4. The President,
AA 220, Kangeyam Primary Agricultural
Co-operative Bank Ltd.,
Old Kangeyam, Thiruppur District.
- ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na Ka 3183 of 2016 saba in 31.10.2016 on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to waive the loan and extend all other benefits given under the Loan Waiver Scheme and pass further or other orders.

For Petitioner : Mr.D.Ravindranathan

For Respondents : Mr.V.Selvaraj,
Additional Government Pleader
for R1 to R3.

Mrs.T.Girija,
Government Advocate for R4

O R D E R

The Petitioner has filed the present Writ Petition seeking to quash the proceedings of the 2nd respondent in Na Ka 3183 of 2016 saba in 31.10.2016 and consequently direct him to waive the loan and extend all other benefits given under the Loan Waiver Scheme.

2. The learned counsel for the Petitioner submitted that the petitioner is engaged in agricultural activities, on the land owned by him in S.No.186, S.No.426 and S.No.427 at Sivanmalai village, Kangeyam Taluk in Patta Nos.1886 & 874 respectively. He availed a loan for agricultural development from the 4th respondent Co-operative Bank for a sum of Rs.3,25,000/-. Due to failure of monsoon the petitioner was unable to pay the instalments, to the 4th respondent Agricultural Bank. According to the petitioner, he is entitled for waiver of farm loans availed from the Co-operative Institutions, as announced by the State Government. In this regard, the petitioner made a representation dated 18.03.2009 and again on 23.03.2009, to the fourth respondent seeking the benefit of Loan Waiver Scheme and to return the documents. But there was no response from the respondents.

3. According to the petitioner, the loan availed by one A.Ayyasamy and P.Padmavathy for establishing poultry farm, has been waived by the respondent bank under the said scheme. The same benefit of the scheme has been granted to other persons also. As such the petitioner is also entitled for the said benefit of the scheme, as announced by the Government. The petitioner has also filed a revision before the Joint Registrar, challenging against the order passed by the fourth respondent, rejecting the claim of the petitioner stating that the petitioner is not eligible under the loan waiver scheme announced by the Government, since the said loan has been availed for Non-Farming Sector. The learned counsel for the petitioner would submit that no documents and records have been produced by the Bank to show that the loan has been given for non-farming purposes. Since, without any materials, the claim of the petitioner has been rejected, the present Writ Petition has been filed before this Court.

4. The learned Additional Government Pleader fairly conceded that the issue raised by the petitioner has not been considered by the revisional authority and neither has produced any documents to show that the said loan availed by the petitioner is only for the purpose of non-farming sector.

5. Heard the rival submissions of both the parties and perused the material available on record.

6. In view of the submissions made by the learned Additional Government Pleader, the order passed by the Joint Registrar is liable to be set aside and remanded to the Revisional Authority, to decide the matter afresh, on merits and in accordance with law, as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of a copy of this order.

7. It is brought to the notice of this Court that in view of the bifurcation of Tiruppur District, now the jurisdiction of the 4th respondent society lies with the Joint Registrar of Co-operative Societies, Tiruppur. Therefore, the Joint Registrar of Co-operative Societies, Erode is directed to transfer the Revision papers to the Joint Registrar, Co-operative Societies, Tiruppur.

8. Accordingly, the impugned order is quashed and the writ petition is allowed, with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

rkp
To

Sub Assistant Registrar

1. The Registrar of Co-operative Societies, Kilpauk, Chennai - 600 010.
2. The Joint Registrar of Co-operative Societies, Erode Region, Erode District.
3. The Deputy Registrar of Co-operative Societies, Erode.
4. The President, AA 220, Kangeyam Primary Agricultural Co-operative Bank Ltd., Old Kangeyam, Thiruppur District.
5. The Joint Registrar of Co-operative Societies, Tiruppur.

+1cc to Mr.D.Ravindranathan, Advocate, S.R.No.59667

+1cc to the Government Pleader, S.R.No.61042

W.P.No.41286 of 2016 and

W.M.P.No.35250 of 2016

CS IV(CO)
CA(18/09/2017)