

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.42150/2016 & WMP No.36063/2016

M.Renuka

... Petitioner

-Vs-

1. The Joint Registrar,
Co-operative Societies,
Tiruvallur Zone,
Tiruvallur.
 2. The Deputy Registrar (In Charge),
Co-operative Societies, Tiruvallur.
 3. The Kakkavakkam Primary Agricultural
Co-operative Credit Society,
Kakkavakkam,
Rep.by its Secretary.
- Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to No.3019/2016A1 dated 20.09.2016 and the records of the 2nd respondent Na.Ka.No.1665/2016/E2 dated 08.09.2016 and quash the said orders and direct the Respondents to waive the crop loan No.1002 of 2015 availed by the petitioner from the 3rd Respondent in terms of G.O.(MS).No.50 Co-operative Food and Consumer Protection (CCI) Department dated 23.05.2016 and G.O.(MS) No.59 Co-operative Food and Consumer Protection (CCI) Department dated 28.06.2016.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mrs.T.Girija, GA

ORDER

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus calling for the records of the 1st

respondent pertaining to No.3019/2016A1 dated 20.09.2016, and the records of the 2nd respondent in Na.Ka.No.1665/2016/E2 dated 08.09.2016, and quash the said orders and direct the Respondents to waive the crop loan No.1002 of 2015 availed by the petitioner from the 3rd Respondent in terms of G.O.(MS).No.50 Co-operative Food and Consumer Protection (CCI) Department dated 23.05.2016 and G.O.(MS) No.59 Co-operative Food and Consumer Protection (CCI) Department dated 28.06.2016.

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 the case 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 first respondent would submit that the impugned order passed by the first respondent rejecting the claim of the petitioner, is in the light of the Government order G.O. Ms.No.59, Co-operation, Food and Consumer Protection (CC1) Department dated 28.06.2016, which referred G.O.Ms.No.50, Co-operation, Food and Consumer Protection (CC1) Department dated 23.05.2016 wherein the Government has framed a scheme for waiver of Crop Loan, Medium Term (Agriculture) Loan and long Term (Farm Sector) loan issued to the Small and Marginal farmers by the Co-operative Societies outstanding as on 31.03.2016 and for which guidelines have also been issued.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and 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 first respondent is quashed and the first 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 observation.
No costs. Consequently, the Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

KP

To

1. The Joint Registrar,
Co-operative Societies,
Tiruvallur Zone, Tiruvallur.
2. The Deputy Registrar (In Charge),
Co-operative Societies,
Tiruvallur.
3. Rep.by its Secretary.
The Kakkavakkam Primary Agricultural
Co-operative Credit Society,
Kakkavakkam.

+2cc to Mr.P. Chandrasekar, Advocate Sr. 22581

+2cc to the Government Pleader Sr. 23276

सत्यमेव जयते

W.P.No.42150/2016

SR(CO)
VR(02/06/2017)

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