

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.04.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.44639 of 2016

and WMP 38433 & 38434 of 2016

G.Gowthaman

... Petitioner

Vs

1. Joint Registrar of Co-operative Societies
Dharmapuri Region
District Collectorate
Dharmapuri.

2. K.K.349, Dharmapuri District Central Co-op Bank Ltd.,
Rep. by its Secretary
Bairanatham Branch,
Pappireddipatti Road,
Bairanatham,
Dharmapuri District.

3. K.K.80, Vasigoundanur Primary Agricultural
Co-operative Credit Society
Rep.by its Secretary,
Vasigoundanur,
Pappireddipatti Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in N.K.No.4619/2016 Tho.Sa. dated 16.09.2016 on the file of the first respondent and quash the same, consequently direct the respondents to waive the loan obtained by the petitioner i.e., a sum of Rs.1,00,000/- as Crop Loan for "Turmeric" from the third respondent Bank dated 13.08.2015, in Account No.6 and loan of Rs.1,12,000/- as Crop Loan for "Sugar Cane" from the second respondent dated 13.03.2016 in Account No.234000436.

For Petitioner : Mr.R.Neelakandan

For Respondents: Mr.V.Selvaraj, Addl Government Pleader

ORDER

The prayer in the writ petition is to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in N.K.No.4619/2016 Tho.Sa. dated 16.09.2016 on the file of the first respondent and quash the same, consequently direct the respondents to waive the loan obtained by the petitioner i.e., a sum of Rs.1,00,000/- as Crop Loan for "Turmeric" from the third respondent Bank dated 13.08.2015, in Account No.6 and loan of Rs.1,12,000/- as Crop Loan for "Sugar Cane" from the second respondent dated 13.03.2016 in Account No.234000436.

2. It is brought to the notice of this Court by the learned counsel for the petitioner that the relief as prayed by the petitioner in the present writ petition is squarely covered by the 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 in the case of "National South Indian River Interlinking Agriculturist Association, rep 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 respondents 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 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 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. The writ petition is allowed with the above observation. No costs. Connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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1. Joint Registrar of Co-operative Societies
Dharmapuri Region
District Collectorate, Dharmapuri.

2. The Secretary,
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Bairanatham Branch, Pappireddipatti Road,
Bairanatham, Dharmapuri District.

3. The Secretary,
K.K.80, Vasigoundanur Primary Agricultural
Co-operative Credit Society
Vasigoundanur, Pappireddipatti Taluk,
Dharmapuri District.

+1 cc to Mr.R.Neelakandan Advocate sr 22263

+1 cc to the Government Pleader sr 22694

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gjII(co)
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