



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.1122 of 2017

S.Ganesh

..Petitioner

-vs-

1. The Deputy Registrar,
Co-operative Societies,
Dindigul, Dindigul District.

2. The President,
A.955, Sengurichi Primary,
Agricultural Co-operative Credit Society,
Sengurichi, Dindigul District.

3. The Secretary,
A.955, Sengurichi Primary,
Agricultural Co-operative Credit Society,
Sengurichi, Dindigul District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the auction notice dated 07.01.2017 on the file of the 2nd and 3rd respondent and quash the same and directing the respondents 2 and 3 to waive the petitioner's jewel loans in No.2174 dated 15.06.2015, 2175 dated 15.06.2015, 2234 dated 09.07.2015 and 2382 dated 03.09.2015.

For Petitioner : Mr.V.Kannan
For R1 : Mr.M.Rajarajan
Govt. Advocate
For R2 & R3 : Mr.S.Sathish Kumar
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to quash the auction notice dated 07.01.2017 issued by the respondents 2 & 3, in and by which, the petitioner's jewels were put into auction pursuant to non-repayment of jewel loans. The petitioner also sought a direction to the respondents 2 and 3 to waive the petitioner's jewel loans in No.2174 dated 15.06.2015, 2175 dated 15.06.2015, 2234 dated 09.07.2015 and 2382 dated 03.09.2015.

2. The case of the petitioner is that he is an agriculturist and also a member of 2nd and 3rd respondent Society, having membership No.2059; that since the petitioner required money for developing his agricultural land, he approached the respondents 2



& 3 and pledged his jewels for loan and the respondents also sanctioned jewel loans for Rs.2,71,000/- under four different Loan Nos.2174, 2175, 2234 and 2382. According to the petitioner, the Government issued G.O.Ms.No.59 dated 28.06.2016 for waiving off agricultural loans and in terms of the same, the entire agricultural loans have been waived except for the loan of the petitioner; that the respondent Society issued an auction notice thereby, bringing the jewels of the petitioner to auction, which is contrary to the said Government Order and guidelines.

3. Per contra, the respondents would submit that the petitioner has not availed any agricultural loan and the Government has issued the order for waiver of the entire agricultural loan outstanding including Principal, Interest, Penal Interest and all other charges in respect of Small and Marginal Farmers as on 31.03.2016 for the following categories of agricultural loans in the Cooperative Societies:

- i) Short Term Crop loan
- ii) Short Terms agricultural crop loans issued with the pledge of jewels (Jewel Loan-Agri)
- iii) Short Term Crop loans which are converted as Medium Term loans (M.T.Conversion)
- iv) Medium Term Agriculture loans
- v) Long Term Farm Sector loans

Thus, it is the contention of the respondents that the loan availed by the petitioner does not come within the ambit of agricultural loan as per the guidelines by the Government Order and therefore, the petitioner cannot take any undue advantage over the said Government Order.

4. I find force in the contention raised by the respondents. At first blush, this writ petition is not maintainable in view of the judgment of this Court in the case of K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another reported in 2006-4-L.W.495, as the petitioner herein seeks the relief against the Co-operative Society in this case. Since the writ petition has been taken up for hearing and heard in detail, this Court do not want to go into that aspect.

5. Admittedly, the petitioner has availed only ordinary jewel loans and not agricultural loan. Therefore, this Court find no error on the part of the respondents in issuing advertisement for auctioning the jewels of defaulters, including the petitioner herein and is not inclined to grant the relief sought for by the petitioner.

6. At this juncture, learned counsel for the petitioner would plead that if the petitioner is granted some more time, he is willing to pay the entire money due to the Society. The Secretary of the Society, who is present before this Court personally submitted that 10 days' time may be granted for the petitioner to repay the loan amount.



7. However, learned counsel for the petitioner would submit that the petitioner requires at least two months' time from today to clear his loan amount.

8. Taking note of the above submissions made on either side, though this Court is not inclined to interfere with the impugned notice of auction, the petitioner is granted two months' time from today for repayment of the entire loan amount to the respondent Society, failing which, the respondents shall proceed further and thereafter, conduct auction by issuing fresh notice in respect of the jewels of the petitioner alone. It is made clear that the costs for issuance of the ensuing advertisement shall be adjusted from the amount due to the petitioner. It is further made clear that there is no obstacle for the respondent Society to go ahead with the present auction with regard to the jewels of other defaulters.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

1. The Deputy Registrar,
Co-operative Societies,
Dindigul, Dindigul District.
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Sengurichi, Dindigul District.
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+1cc to M/s.V.Kannan, Advocate in SR.4326

W.P. (MD) No.1122 of 2017
25.01.2017

ar.

PBK/SS-3/SAR-III 25/01/2017 ::3P-5C: (IT)