



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.02.2017
CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P(MD)No.1875 of 2017

and

W.M.P(MD)No.1539 of 2017

Y.Darwin

... Petitioner

vs.

1)The Joint Registrar,
Department of Co-operative,
Nagercoil,

2)The Deputy Registrar,
Department of Co-operatives,
Thucklay,
Kanyakumari District.

3)No.3007-Jawahar Primary Agricultural Co-operative
Credit Society,
Muttakadu,
Kumarapuram Post,
Manalikai Via, Kalkulam Taluk,
Kanyakumari District.

... Respondents

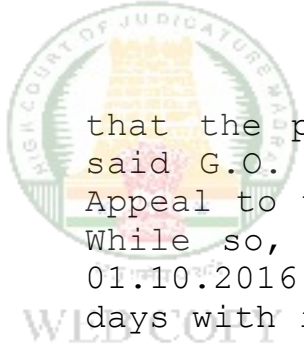
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondents to extend the benefits of waiver of loan to small farmers operation as per G.O.Ms.No.59 Department of Consumer Welfare Scheme 2016 dated 28.06.2016 to the Petitioner.

For Petitioner : Ms.A.Elis Chitra Devi
For R1 & R2 : Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to extend the benefits of waiver of loan to small farmers operation as per G.O.Ms.No.59 Department of Consumer Welfare Scheme 2016 dated 28.06.2016 to the petitioner.

2.According to the petitioner, he is a small farmer and he availed financial assistance from the 3rd respondent society for the agricultural operation and the Government vide G.O.Ms.No.59, announced waiver of loan to small and medium farmers. The 3rd respondent society also published the list of beneficiaries under the abovesaid G.O, in which, the name of the petitioner did not figure. Hence, the petitioner made a representation on 05.10.2016 to the 2nd respondent, who rejected the same, stating



that the petitioner is not entitled to waiver of loan under the said G.O. Against the said rejection, the petitioner has filed Appeal to the 1st respondent on 16.12.2016 and the same is pending. While so, the 1st respondent sent a notice to the petitioner on 01.10.2016 to discharge the loan amount of Rs.50,000/- within 7 days with interest. Hence, this writ petition.

3.Learned Special Government Pleader appearing for the respondents would submit that there is no proof of despatching the Appeal of the petitioner dated 16.12.2016 and that the benefit of waiver of loan under the said G.O., cannot be extended to the petitioner.

4.However, when the matter came up for hearing, learned counsel for the petitioner would submit that it is suffice if a direction is issued to the 1st respondent to pass orders on the Appeal dated 16.12.2016 preferred by the petitioner within a stipulated period.

5.In view of the limited relief sought for, without rendering any opinion on the claim made by the petitioner, the 1st respondent is directed to pass orders on the Appeal dated 16.12.2016 preferred by the petitioner in accordance with law, if there are no legal impediments, within a period one month from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, W.M.P(MD)No.1539 of 2017 is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1)The Joint Registrar,
Department of Co-operative,
Nagercoil,
2)The Deputy Registrar,
Department of Co-operatives,
Thucklay,
Kanyakumari District.

+1cc to Ms.A.Elis Chitra Devi, Advocate, SR No.5874

+1cc to Special Government Pleader, SR No.6403

W.P(MD)No.1875 of 2017

03.02.2017

NBJ