



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
and
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.(MD) No.1607 of 2011

N.Dhanalakshmi

... Appellant

-vs-

1. Joint Registrar of Co-operative Societies
Collector Office Compound,
Thanthonimalai,
Karur-639 005

2. The Deputy Registrar of Co-operative
Societies and Arbitrator,
Thanthoni Malai, Karur-639 005.

3. The Secretary
Karur Town Co-operative Bank Ltd.,
No.924, Door No.92, Mettu Theru
Karur-639 001

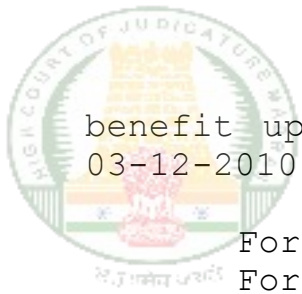
4. The Special Officer
Karur Town Co-operative Bank Ltd.,
No.924, Door No.92, Mettu Theru
Karur-639 001

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 02.12.2011, made in W.P.(MD) No.13697 of 2011.

Prayer in WP(MD). 13697/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents 1 to 4 to dispose of the Petitioner s representation dated 19-02-2011 given for the availment of Special Loan Settlement Scheme announed by the Government of Tamil Nadu as per G.O.(2D) No.77, Co-operative, Food and Consumer Protection Department, dated 22-07-2009 and its consequential Government Letter extending the period of its



benefit upto 31-12-2011 under Na.Ka.109979/2010/Ma.Va.Ko.3, dated 03-12-2010 within a period fixed by this Honourable Court.

For Appellant : Mr.V.Nagendran
For Respondents : Mr.S.Chandrasekar,
Govt. Adv. for R1 & R2
Mr.K.Govindarajan for R3
No appearance for R4

WEB COPY

J U D G M E N T

[Judgment of the Court by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Nagendran, learned counsel appearing for the appellant, Mr.S.Chandrasekar, learned Government Advocate appearing for the respondents 1 and 2, Mr.K.Govindarajan, learned counsel appearing for the third respondent and carefully perused the materials placed on record.

2. None appeared on behalf of the fourth respondent.

3. This writ appeal is directed against the order, dated 02.12.2011, made in W.P.(MD) No.13697 of 2011.

4. The appellant filed the writ petition, in W.P.(MD) No.13697 of 2011, to direct the respondents to dispose of her representation, dated 19.02.2011, seeking grant of benefits under a Special Loan Settlement Scheme. The Writ Court rejected the relief sought for by the appellant on two grounds, namely, as against the Award passed by the Arbitrator an appeal was preferred before the learned District Judge, Karur and the second ground of rejection was by referring to the decision of the Larger Bench in the case of K.Marappan v. The Deputy Registrar of Co-operative Societies, reported in 2006 (4) CTC 689.

5. It is not in dispute that as on date, the appellant has filed a revision petition challenging the order passed by the learned District Judge, Karur, in an appeal preferred against the Award of the Arbitrator and the said revision is pending before this Court in C.R.P.(NPD) (MD) No.1057 of 2016.

6. The appellant's case is that the respondents did not even consider her case for availing the benefit of Special Loan Settlement Scheme and no application was given and therefore, she wanted her representation to be considered and the Writ Court dismissed the writ petition.

7. Taking note of the fact that as of now, the appellant filed a revision before this Court as against the Award passed by the Co-operative Tribunal / District Court, Karur, the appellant shall raise all contentions in the pending revision, which has been filed challenging the order passed by the Co-operative Tribunal.



Therefore, the reasons assigned by the Writ Court were perfectly justified and the dismissal of the writ petition calls for no interference.

8. Accordingly, while confirming the order passed by the Writ Court, we grant liberty to the appellant to raise all contentions with regard to her entitlement for the Special Loan Settlement Scheme in the pending revision, which will be considered in accordance with law.

9. The writ appeal is dismissed with the above observations. No costs.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Joint Registrar of Co-operative Societies,
Collector Office Compound,
Thanthonimalai,
Karur-639 005.
2. The Deputy Registrar of Co-operative
Societies and Arbitrator,
Thanthoni Malai, Karur-630 005.
3. The Secretary
Karur Town Co-operative Bank Ltd.,
No.924, Door No.92, Mettu Theru
Karur-639 001.
4. The Special Officer
Karur Town Co-operative Bank Ltd.,
No.924, Door No.92, Mettu Theru
Karur-639 001

+1cc to Special Government Pleader, SR.No.55106
+1cc to M/S.K.GOVINDARAJAN, Advocate SR.No. 54807
+1cc to M/S.V.NAGENDRAN, Advocate SR.No. 54439

W.A. (MD) No.1607 of 2011
26.04.2017

JM/MMS/08.05.2017/3P/8C