

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 20289 of 2018

&

W.M.P.23821 of 2018

S.Rajarajan

... Petitioner

Vs

1.The Deputy Registrar of
Co-operative Societies,
O/o. The Deputy Registrar,
Mayiladuthurai,
Nagapattinam Dt.

2. The Block Education Officer,
O/o. The Block Education Office,
Sirkali Union, Sirkali,
Nagapattinam Dt.-609 110.

3. OS.52, Sirkali Union Teachers
Co-operative Society,
rep. By Field Officer,
Sirkali,
Nagapattinam Dt.-609 110.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 3rd respondents to grant loan as per the application dated 23.07.2018 to the petitioner and to deduct the monthly instalments from salary of the petitioner.

For Petitioner : M/s.L.Parvin Banu

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1 to R3

O R D E R

Heard M/s.L.Parvin Banu, learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for Respondents 1 to 3.

2. The petitioner has filed the present Writ Petition seeking for a direction to the 1st and 3rd respondents to grant loan to the petitioner. According to the petitioner, he is a member of the 3rd respondent-Co-operative Society. The society is meant for welfare of the teachers working in the Primary and Middle school in Sirkali Panchayat Union and the society is sanctioning the loan to the members and the 2nd respondent Block Education Officer will deduct the monthly instalments and paying the same to the 3rd respondent Co-operative Society directly. Hence, there is no default in paying the instalments at all.

3. Now, the petitioner is required a loan for some urgent medical emergency for his brother. Hence, he has applied to the respondents 1 and 3 to sanction the loan for a sum of Rs.12 lakhs. Since the application of the petitioner was not considered, the present Writ Petition has been filed.

4. Mr.L.P.Shanmugasundaram, learned Counsel appearing for the respondents submitted that already the petitioner has availed the loan to an extent of Rs.7 lakhs and he has only repaid 29 instalments to the extent of Rs.2,03,100/- and he has to pay another sum of Rs.4,96,100/-. Now, due to some misappropriation in the society, an enquiry under Sec.81 of the Co-operative Society has been conducted and during the enquiry, it has been found that there is misappropriation to the tune of Rs.30,55,297/-. In the said circumstances, the 3rd respondent society is not in a position to advance any further loan to the petitioner.

5. I have considered the rival submissions made by Ms.L.Parvin Banu, learned counsel for the Petitioner and Mr.L.P.Shanmugasundaram, Special Government Pleader for respondents 1 to 3 and I have perused the records carefully.

6. The 3rd respondent society established for the welfare of the teachers working in Sirkali Panchayat Union. Earlier, admittedly, the petitioner was sanctioned with the loan and he is also repaying the loan without any default. Now, the petitioner has sought for another loan in order to meet the medical expenses of his brother, for which, the petitioner is eligible. The only objection raised by the 3rd respondent society is that since some defalcation in the 3rd respondent society has been taken place and an enquiry under Sec.81 of the Tamil Nadu Co-operative Societies Act is pending and the society is having some difficulty in advancing further loan.

7. When the petitioner is eligible to receive a loan, the pendency of enquiry under Sec.81 of the Act or any defalcation in the society cannot be a reason for rejecting

his request, especially, when the petitioner sought the loan for immediate treatment for his brother.

8. Considering the fact that already, the petitioner has availed loan to the tune of Rs.7 lakhs, I am of the view that in order to meet the medical emergency, the 3rd respondent is hereby directed to grant a loan of Rs.4 lakhs to the petitioner within a period of three weeks from the date of receipt of the copy of this order with usual conditions for repayment.

9. With the above direction, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Registrar of
Co-operative Societies,
O/o. The Deputy Registrar,
Mayiladuthurai,
Nagapattinam Dt.
2. The Block Education Officer,
O/o. The Block Education Office,
Sirkali Union, Sirkali,
Nagapattinam Dt.-609 110.
3. The Field Officer,
OS.52, Sirkali Union Teachers
Co-operative Society,
Sirkali,
Nagapattinam Dt.-609 110.

+1 cc to Mr.L.P.Shanmugasundaram, Advocate SR.NO.55815

+1 C.C. to M/s.L.Parvin Banu Advocate SR.NO. 55380

W.P. 20289 of 2018
and

W.M.P. 23821 of 2018

VD(COO
ASK(05/09/2018)