

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1602 of 2016

and

C.M.P.No.19839 of 2016

- 1 The Joint Registrar of  
Co-operative Societies  
(Full Additional in-charge)  
Namakkal-637 001.
  - 2 The Deputy Registrar of  
Co-operative Societies  
Namakkal Circle  
1/1 Periyannan Street Namakkal.
  - 3 622 Mohanur Primary Agricultur  
Co-operative Credit Society  
Rep. by its Secretary  
Mohanur  
Namakkal Taluk and District
- Appellants

Versus

K.N.P.Venkataraman

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2016 passed in W.P.No.36578 of 2016 on the file of this court.

Prayer in WP.No.36578/2016:Petition praying to issue a writ of certiorarified mandamus to call for the records connected with the proceedings dated 16.09.2016 made in Na.Ka.3037/2016/thoveysa on the file of the 1st respondent herein confirming the proceedings dated 09.09.2016 made in Na.Ka.2669/2016 thoveysa on the file of the 2nd respondent herein and quash the same and consequently direct the respondents herein to waive the loan of Rs.1 00 000/- obtained by me on 27.11.2015 from the 3rd respondent herein.

For appellants : Mr.L.P.Shanmugasundaram  
Special Government Pleader

For respondent : Mr.T.Dhanyakumar

## JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Special Government Pleader appearing for the appellants and Mr.T.Dhanyakumar, learned counsel, who takes notice on behalf of the respondent.

2. The writ appeal is filed by the appellant-Department challenging the order passed by the learned Single Judge in allowing the writ petition and thereby extending the benefit of waiver of agricultural loan provided in G.O.Ms.50 Co-operation Food and Consumer Protection (CC1) Department dated 23.5.2016.

3. It appears that the respondent herein had availed an agricultural loan to the tune of Rs.1,00,000/- from the third appellant-Society on 27.11.2015 by declaring that he was in possession of 5.88 acres of land, whereas the fact being that he had already sold 1.75 acres of land out of the above extent by way of a registered sale deed and virtually, he had only 4.14 acres of land in his possession, which according to the respondent herein is by inadvertent mistake and subsequently, when his name was not considered for the waiver of the agricultural loan provided in the above G.O., on the ground that he is not a small farmer, considering the extent of land in his possession viz., more than 5 acres as declared by him, he had come up with the claim that he comes under the coverage of the said G.O.

4. The learned Single Judge, having appreciated the fact that the respondent herein had sold 1.75 acres by way of registered sale deed vide document No.2381 of 2011 on the file of Sub Registrar, Mohanur, allowed the writ petition, however, considering the misrepresentation made by the respondent in the declaration with regard to the extent of land in his possession, directed him to pay a sum of Rs.10,000/- to the Cancer Institute, Adyar.

5. Now, the stand taken by the appellants is that the patta in respect of 5.8 acres is in the name of the respondent. Be that as it may, it is on record that prior to availing the loan, wayback in 2011 itself, the respondent had sold 1.75 acres out of 5.88 acres and thereafter, the loan application was filed in the year 2014 and the loan was sanctioned in the year 2015. In fact, it is found that the revenue authorities have not mutated the entries with regard to alienation of 1.75 acres of land wayback in the year 2011 itself. Therefore, the patta produced by the respondent had reflected 5.88 acres but, virtually, he had only 4.14 acres which is very well within the ambit of the

above G.O.

6. The learned Single Judge having taken note of the above facts has granted the relief. Therefore, we do not find any reason to interfere with the same. The writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Joint Registrar of  
Co-operative Societies  
(Full Additional in-charge)  
Namakkal-637 001.
- 2 The Deputy Registrar of  
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1/1 Periyannan Street Namakkal.
- 3 The Secretary  
622 Mohanur Primary Agricultur  
Co-operative Credit Society  
Mohanur  
Namakkal Taluk and District

+1cc to Mr.T.Dhanyakumar, Advocate SR.NO.45445

+1cc to Government Pleader SR.NO.46121

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.NO.45660

SSI (co)

sm:28.8.2018

W.A.No.1602 of 2016