



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.7475 of 2018

WEB COPY

C.Ponnusamy

... Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Tiruchirappalli.
2. The Joint Registrar of Co-operatives,
District Level Co-operative Offices,
Tiruchirappalli.
3. The Secretary,
MM.347, Nadupatti Primary Agriculture
Co-operative Bank,
Nadupatti, Vaiyampatti Via,
Manaparai Circle, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second and third respondents to disburse the loan amount to the petitioner for the development of goat farming business as per the assurance given by the third through his proceedings letter dated 03.03.2018, within the time stipulated by this Court.

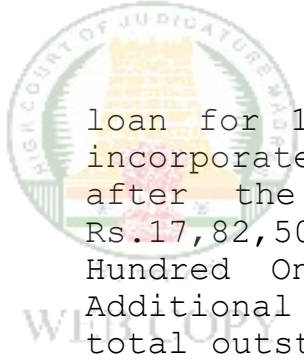
For Petitioner : Mr.G.Solai Raja
For R1 and R2 : Mr.N.Shanmuga Selvam
Additional Government Pleader.

ORDER

This Writ Petition has been filed, seeking for a direction to the second and third respondents to disburse the loan amount to the petitioner for the development of goat farming business as per the assurance given by the second respondent through his proceedings letter dated 03.03.2018, within the time stipulated by this Court.

2.It is the grievance of the petitioner that his representation dated 10.03.2018, seeking for disbursement of the loan amount to the petitioner has not been considered by the respondents till date and therefore, has filed the present writ petition.

3.It is submitted by the learned Additional Government Pleader appearing for the respondents 1 and 2 that the impediment for disbursing the loan is because of the fact that while the Central Co-operative Bank, Tiruchirappalli District had sanctioned



loan for 10 persons including the petitioner herein, a rider was incorporated in the order that the disbursement would happen only after the third respondent repays the outstanding amount of Rs.17,82,500/- (Rupees Seventeen Lakh Eighty Two Thousand and Five Hundred Only) to the Central Co-operative Bank. The learned Additional Government Pleader further submitted that out of the total outstanding amount of Rs.17,82,500/-, the third respondent had already paid a sum of Rs.5,00,000/- (Rupees Five Lakhs Only).

4. In my view, the beneficiaries, who have been sanctioned with the loan, should not be kept waiting indefinitely, in view of the default of the third respondent bank to repay the amount to the Central Co-operative Bank. As such, the third respondent shall endeavour to repay the entire arrears to the Central Co-operative Bank at the earliest.

5. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or other. Non consideration of the same would amount to dereliction of their ordinary duties of their office and as such this Court would be justified in invoking its powers under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

6. In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondents to consider the petitioner's representation dated 10.03.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collectorate,
Tiruchirappalli.

2. The Joint Registrar of Co-operatives,
<https://hcservices.ecourts.gov.in/hcservices/>
District Level Co-operative Offices,
Tiruchirappalli.



+1CC to Mr.G.Solairaja Advocate in SR.No.62690.

MYR

DS/RSK/SAR-2 :07.05.2018: 3P/4C

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20.04.2018