

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.16621 of 2008
W.M.P.No.23816 of 2017

1. R.Singaravel (Died)
2. Chinapappa
3. Rengenathan
4. Amirthavalli
5. Loganathan
6. Azhagesan
7. Selvam
8. Kalaniselvi

....Petitioner

-Vs-

1. The Registrar of Co-operative Societies
E.V.R.Periyar Salai
Kilpauk, Chennai-636 701.
2. The Joint Registrar of Co-operative Society
Bye-Pass Road, Dharmapuri-636 701.
3. The Secretary,
KK.114 Illakkampatti Primary
Agricultural Co-operative Society
Illakkampatti, Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to his proceedings in Na.Ka.No.454/20007/bjht dated 28.04.2008 and quash the same and consequently direct the 3rd respondent to forthwith refund the amount of Rs.38,315/- kept in the suspense account, to the petitioner bearing Membership No.1129.

For Petitioners: Mr.V.R.Annagandhi

For Respondents: Mr.T.Girija,
Government Advocate
for R1 and R2.
M/s.M.S.Palanisamy for R3.

O R D E R

The petitioner has filed a writ petition for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to his proceedings in Na.Ka.No.454/20007/ தொவ dated 28.04.2008 and quash the same and consequently direct the 3rd respondent to forthwith refund the amount of Rs.38,315/- kept in the suspense account, to the petitioner bearing Membership No.1129.

2. The case of the petitioner is that he is a member of the third respondent Society vide Membership No.1129. The petitioner had applied for an Agricultural loan from the third respondent Co-operative Society to establish a "Small Dairy Farm". He obtained the loan from the third respondent on 06.04.1998 to the tune of Rs.60,000/- to run a "Small Diary Farm". The petitioner has repaid a sum of Rs.23,773/- to the third respondent society.

3. On 06.02.2006, the third respondent insisted the petitioner to pay the balance amount with interest. With great efforts, the petitioner has paid the balance amount of Rs.38,315/- to the third respondent. At the time of payment, the third respondent gave credit of the amount paid by the petitioner in the suspension account vide receipt No.12 dated 16.02.2006, under Account No.580/MT (Suspension), and assured the petitioner to refund the said amount after waiving of the agricultural loan.

4. The petitioner stated that the Government of Tamil Nadu by Government Order(Ms) No.70, Co-operative and Food and Consumer Protection(CC1) Department, dated 13.05.2006, granted waiver of agricultural loan advanced to all farmers by the Co-operative Societies, which was due and payable as on 31.03.2006. The petitioner had approached the third respondent, requesting him to refund the amount of Rs.38,315/- which was received and kept in the suspense account. But the third respondent failed to refund the amount, so the petitioner has constrained to file the writ petition in W.P.No.41165 of 2006. The said writ petition was disposed of by this Court on 10.03.2008 and the learned Judge directed the 2nd respondent to consider the petitioner's representation dated 17.08.2006. But the 2nd respondent has rejected the petitioner's request for refund of the said amount on a totally erroneous basis. Aggrieved by the said order, the present writ petition is filed.

5. Heard, the learned counsel for the petitioner and the learned counsel for the respondent.

6. A perusal of the records reveals that the petitioner had

obtained the loan from the third respondent on 06.04.1998, to the tune of Rs.60,000/- to run a "Small Diary Farm". On 05.02.2001, the petitioner has paid a sum of Rs.23,773/- to the third respondent. Thereafter, the petitioner has paid the entire amount on 16.02.2006. After the payment, the petitioner had approached the third respondent, requesting him to refund the amount of Rs.38,315/- as per G.O.(Ms).No.70, dated 13.05.2006 wherein the Government of Tamil Nadu granted waiver of agricultural loan and the fact remains that the petitioner had paid the entire amount prior to cut off date.

7. In view of the above lines, this Court does not find any illegality or infirmity in the order passed by the second respondent/the Joint Registrar. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

ssb

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar of Co-operative Societies
E.V.R.Periyar Salai
Kilpauk
Chennai-636 701.
2. The Joint Registrar of Co-operative Society
Bye-Pass Road
Dharmapuri-636 701.
3. The Secretary,
KK.114 Illakkiampatti Primary
Agricultural Co-operative Society
Illakkiampatti, Dharmapuri District.

+1cc to Mr.V.R.AnnaGandhi, Advocate, SR.No. 56726
+1cc to the Spl. Govt.Pleader, (Co-Op) Vide Sr.No.56868
+1cc to Mr.M.S.Palaniswamy, Advocate, SR.No.56820

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Kak(26/08/2019)