

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.28192 of 2018

C.Rajeswari

... Petitioner
(W.P.No.28192 of 2018)

..Vs..

- 1.The Deputy Registrar of Cooperative Societies
Hosur Circle, Hosur,
Krishnagiri District.
- 2.The Cooperative Sub Registrar/Enquiry Officer,
D.K.80, Berigai Primary Agricultural
Cooperative Credit Society,
Sulagiri Road, Berigai - 635 105.
Sulagiri Taluk, Krishnagiri District.
- 3.The President
D.K.80, Berigai Primary Agricultural
Cooperative Credit Society,
Sulagiri Road, Berigai - 635 105.
Sulagiri Taluk, Krishnagiri District.
- 4.The Secretary to Government,
Food and Cooperation and Consumer
Protection Department,
Fort St. George, Chennai-9.
- 5.The Registrar of Cooperative Societies,
E.V.R. Periyar Road, Kilpauk, Chennai 10.

... Respondents

PRAYER : Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Madamus, directing the respondents to extend the benefits of the loan waiver scheme to the petitioner by implementing the G.O.Ms.No.50, Corporation, Food and Consumer Protection Department, dated 23.05.2016 in so far relates to the petitioner's agricultural loan dated 18.06.2012 and adjust the amount already paid by the petitioner to the tune of Rs.1.19 Crores with the petitioner's housing loan.

For Petitioners	: Mr.C.Prakasam
For Respondents	: Mr.Bala Ramesh Special Government Pleader

O R D E R

This writ petition has been filed seeking a direction to the respondents to extend the benefits of the loan waiver scheme to the petitioner by implementing the G.O.Ms.No.50, Corporation, Food and Consumer Protection Department, dated 23.05.2016.

2.The grievance of the petitioner is that she has obtained a agricultural term loan of Rs.1.5 crores from the 3rd respondent society and she has paid a sum of Rs.47 Lakhs towards principal and repaid a sum of Rs.72 Lakhs towards interest, but now the society insisting the petitioner to pay another sum of Rs.1.03 crores towards principle and interest. According to the petitioner, she is a small farmer having an extend of 4.5 acres of land and as per G.O.Ms.No.50 Cooperation, Food and Consumer Protection Department, Dated 23.05.2016, the petitioner is entitled to get entire benefits of agricultural loan waiver scheme. Hence, she made a representation before the third respondent, but the representation was not considered by the third respondent. Hence, the present writ petition.

3.The respondents filed a detailed counter stating that there was lot of mal-practice had taken place in the society in granting of loan to the petitioner. Now, based on the complaints, a proceeding has been initiated under Section 81 of the Tamil Nadu Cooperative Societies Act against the petitioner and her husband and some other persons. Now, the enquiry is pending, since there are allegations of irregularities in sanctioning of loan, and at this stage the petitioner is not entitled to get entire benefits of agricultural loan waiver scheme.

4.Considering the fact that the enquiry proceedings under Section 81 of the Tamil Nadu Cooperative Societies Act is pending, and in the said circumstances, the petitioner's application for granting loan waiver cannot be considered at this stage. Hence, the relief sought for in the writ petition cannot be granted.

5.In the result, the writ petition is dismissed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rrg

To

- 1.The Deputy Registrar of Cooperative Societies
Hosur Circle, Hosur, Krishnagiri District.
 - 2.The Cooperative Sub Registrar/Enquiry Officer,
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Cooperative Credit Society, Sulagiri Road, Berigai - 635 105.
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Food and Cooperation and Consumer
Protection Department, Fort St. George, Chennai-9.
 - 5.The Registrar of Cooperative Societies,
E.V.R. Periyar Road, Kilpauk, Chennai-10.
- +1 CC to Mr.R.Balaramesh, Advocate sr 7037.
+1 CC to The Govt. Pleader sr 7579.

SP(15/02/2019)

W.P.No.28192 of 2018

सत्यमेव जयते

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