

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2020

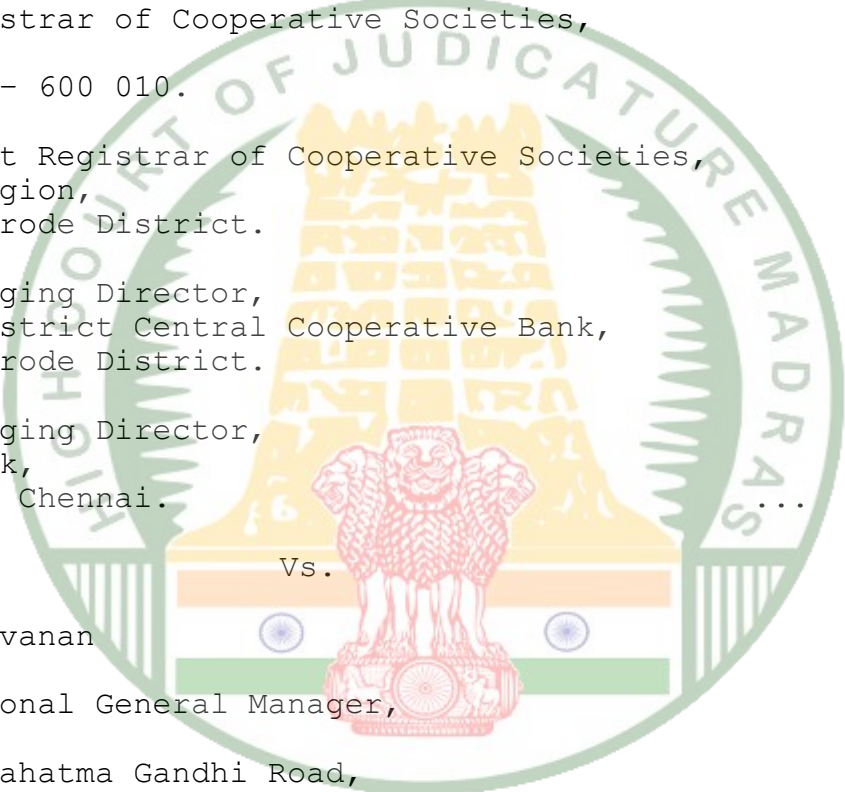
CORAM :

THE HON'BLE MR.AMRESHWAR PRATAP SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.759 of 2020

- 
- 1.The Registrar of Cooperative Societies,
Kilpauk,
Chennai - 600 010.
- 2.The Joint Registrar of Cooperative Societies,
Erode Region,
Erode, Erode District.
- 3.The Managing Director,
Erode District Central Cooperative Bank,
Erode, Erode District.
- 4.The Managing Director,
TNSC Bank,
Parry's, Chennai.
- Appellants
- Vs.
- 1.P.V.Saravanan
- 2.The Regional General Manager,
NABARD
No.48, Mahatma Gandhi Road,
Post Box No.6074,
Nungambakkam, Chennai-34.
- ...Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 28.8.2020 in W.P.No.11047 of 2020.

Prayer in W.P.No.11047/2020:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st Respondent in his proceedings Na.Ka.No. 3039/2020/Ma.va.Ko.1 dated 27.07.2020 and quash the same.

For Appellants : Mr.Arvind Pandian
Addl. Advocate General
assisted by
Mr.L.P.Shanmugasundaram

For Respondents : Mr.C.Prakasam
for respondent No.1

JUDGMENT
(Delivered by The Hon'ble Chief Justice)

Heard Shri Arvind Pandian, learned Additional Advocate General for the appellants and Shri C.Prakasam, learned counsel for the first respondent.

2. The second respondent viz., The Regional General Manager, National Bank for Agriculture and Rural Development (NABARD) had not been put to notice by the learned Single Judge and the writ petition was disposed of finally.

3. The appellants are aggrieved by the directions issued by the learned Single Judge contained in paragraph (8) in the impugned judgment, as the same were issued in the absence of NABARD, which had to be necessarily heard, keeping in view the nature of the relief sought by the first respondent/petitioner, and more particularly that the appellants are bound by the directions issued by the NABARD.

4. Having considered the same and having heard Shri C.Prakasam, learned counsel, who contends that the disbursement of loans has been impeded considerably, the new system should be allowed to percolate gradually, and for that gestation period should be given and therefore, the learned Single Judge has not committed any error in proceeding to issue directions in paragraph (8) of the impugned judgment.

5. Having considered the submissions raised, we are of the opinion that learned counsel for the appellants is correct in his submissions that the guidelines issued by the NABARD dated 25.9.2017, and then followed on 30.12.2019, have not been taken into consideration by the learned Single Judge while issuing directions in paragraph (8). It is also pointed out that the dates itself had been extended by the NABARD vide Circulars dated 13.3.2020 and 2.6.2020, the copies whereof have been brought on record by learned counsel for the appellants.

6. In these circumstances, the disposal of the writ petition, without putting the second respondent to notice may

have to be re-visited in the light of the above. We, accordingly, partly allow the appeal and set aside the directions contained in paragraph (8) of the impugned judgment with a request to the learned Single Judge to re-hear the matter after giving an opportunity to the second respondent herein.

7. Shri C.Prakasam, learned counsel for the first respondent submits that he will take out notice on the second respondent and therefore, he may be permitted to serve a copy of the writ petition and other papers on the second respondent so that the matter may be expeditiously disposed of. We permit to do so. The writ petition shall stand restored to its original number and shall be preferably listed within two weeks at the convenience of the Hon'ble Single Judge giving permission to that effect and within this period, learned counsel for the parties may exchange their pleadings.

8. The records of this writ appeal and the typed set of papers filed by the appellants may also be placed along with the records of the writ petition before the learned Single Judge, in the event any assistance is required from these records.

The appeal is partly allowed, as above. No costs. Consequently, C.M.P.No.10069 of 2020 is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

bbr
To

- 1.The Registrar of Cooperative Societies,
Kilpauk,
Chennai - 600 010.
- 2.The Joint Registrar of Cooperative Societies,
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Erode, Erode District.
- 3.The Managing Director,
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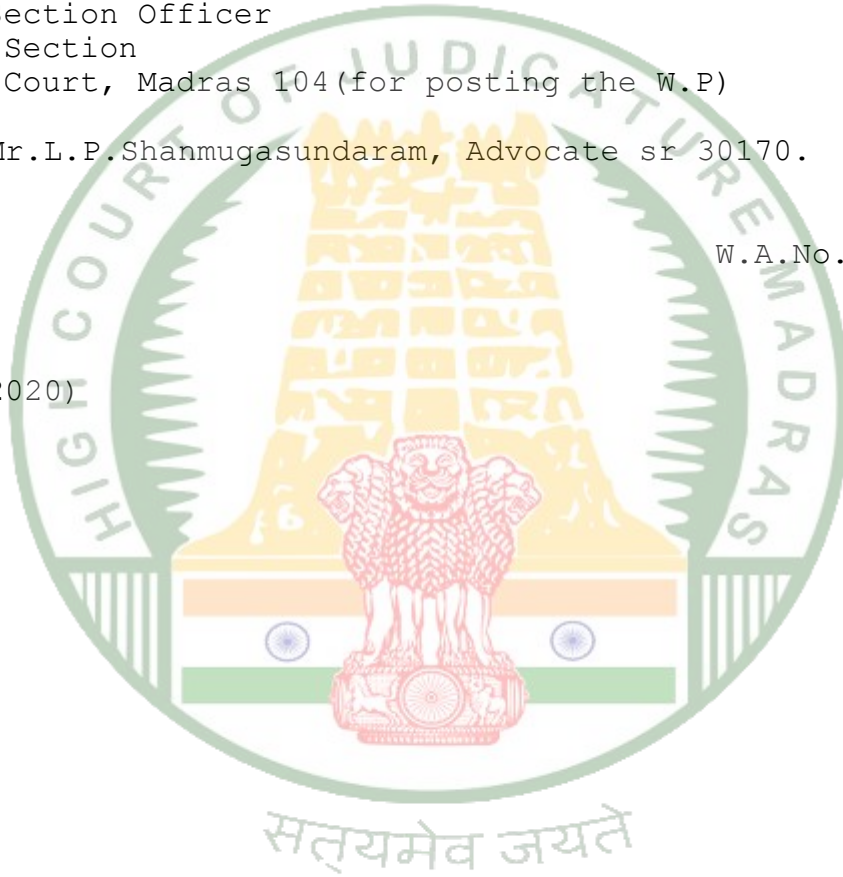
5.The Regional General Manager,
NABARD
No.48, Mahatma Gandhi Road,
Post Box No.6074,
Nungambakkam, Chennai-34.

Copy to
The Section Officer
Writ Section
High Court, Madras 104(for posting the W.P)

+1 CC to Mr.L.P.Shanmugasundaram, Advocate sr 30170.

W.A.No.759 of 2020

MP(CO)
SP(08/10/2020)



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