



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.2074 of 2017

WEB COPY

1. M. Sundarraaj (Died)

2. S. Sivakami

3. G. Vanitha

4. S. Gnanasekar

(Petitioners 2 to 4 are substituted vide
order dated 15.07.2020 in

W.M.P. (MD) No.15072 of 2018)

...Petitioners

Vs.

1. The Joint Registrar of Cooperative Societies,
Thanjavur Region,
Thanjavur.

2. The Deputy Registrar of Cooperative Societies,
O/o. Deputy Registrar of Cooperative Societies,
Thanjavur.

3. The President,
T 1731, Sathanur Primary Agricultural Cooperative
and Credit Society,
Sathanur, Thiruvaiyaru,
Thanjavur District.

4. The Secretary,
T 1731 Sathanur Primary Agricultural Cooperative
and Credit Society,
Sathanur, Thiruvaiyaru,
Thanjavur District.

...Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Na.Ka.5727/2016 Tho.Ve.Ku.Ka.Sa dated 19.09.2016 passed by the first respondent and quash the same and consequently directing the respondents to grant waiver of agriculture loan in Loan No.201 for the year 2015-2016.

For Petitioner : Mr.P.Arun Jayatram

For R-1, R-3 & R-4 : Mr.M.Rajarajan,
Government Advocate.

For R-2 : Mr.J.Gunaseelan Muthiah

**ORDER**

Heard the learned counsel on either side.

2. The original writ petitioner Sundarraaj passed away and in his place, the legal heirs have been brought on record. Sundarraaj is a member of the third respondent society. He had availed agricultural loan from the society on 19.09.2015. Now the question is whether he was entitled to the benefit of waiver scheme introduced by the Government as per G.O.Ms.No.59 Cooperative, Food and Consumer Protection Department dated 28.06.2016. The petitioner's request was negatived. The second respondent has stated that some corrections have been made in the dates.

3. It appears that even though the loan was granted on 19.09.2015, Chitta was only issued later. In order to claim eligibility, the original petitioner is alleged to have made some corrections. I am afraid that the respondents have misdirected themselves. The only question that arises for consideration is regarding the extent of the land owned by the original petitioner. If it is within the ceiling limit, the petitioners are entitled to the waiver benefit. If it is above the ceiling limit, they obviously cannot make any claim. In the case on hand, the respondents have not demonstrated before this Court that the original petitioner had lands above the ceiling limit on the cut-off date. In order to enable the respondents to produce the materials in this regard, the case was adjourned from time to time. Even today the respondents are not in a position to satisfy this Court that the borrower had lands above the ceiling limit on the cut-off date. Therefore, I hold that the petitioners are entitled to the benefit of the waiver scheme.

4. In this view of the matter, the order impugned in this writ petition stands quashed. The respondents are directed to grant the benefit of waiver to the petitioners herein. This writ petition stands allowed accordingly. No costs.

Sd/-

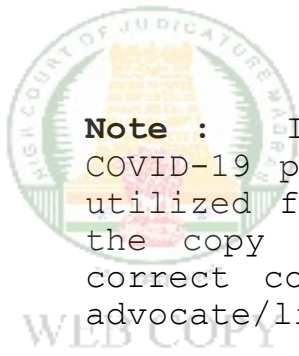
Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Joint Registrar of Cooperative Societies,
Thanjavur Region, Thanjavur.
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 4. The Secretary,
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and Credit Society,
Sathanur, Thiruvaiyaru, Thanjavur District.
- +1 CC to M/s.P. ARUN JAYATRAM, Advocate (SR-13617[F] dated 05/08/2020)
- +1 CC to M/s.GP (SR-13635[F] dated 05/08/2020)

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