

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.20175,20179, 20180 & 20182 of 2021

P.Rajendran	..Petitioner in WP No.20175 of 2021
P.Nandakumar	..Petitioner in WP No.20179 of 2021
P.Palaniswamy	..Petitioner in WP No.20180 of 2021
V.Vembagounder	..Petitioner in WP No.20182 of 2021

Vs.

- 1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk,
Chennai - 10
- 2.The Joint Registrar of Co-operative Societies,
Salem Region,
Salem.
- 3.S.1111, Vanavasi Primary Agricultural
Co-operative Credit Society Ltd.,
Vanavasi, Mettur Taluk,
Salem District

..Respondents in all Writ petitions

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus Directing the respondents to issue Agricultural jewel loan waiver certificate in respect of jewel loan J.L.No.1713 / Kcc dated 05/01/2021 (in WP No.20175 of 2021), J.L.No.1744 / Kcc dated 21/01/2021 (in WP No.20179 of 2021), J.L.No.1736 / Kcc dated 18/01/2021 (in WP No.20180 of 2021), J.L.No.1761/ Kcc dated 29/01/2021 (in WP No.20182 of 2021) on the file of 3rd respondent society pursuant to G.O.Ms.Nos.15 and 16 Co - operation Food and Consumer Protection Department dated 08/02/2021.

For Petitioners : Mr.M.S.Palaniswamy
in all WPs
For Respondents : Mr.A.Selvendran
in both WPs Government Advocate for
R1 and R2
Mr.U.Bharanidharan
Government Advocate for R3

C O M M O N O R D E R

The issue involved in all these writ petitions are common and hence they are taken up together, heard and disposed of through this common order.

2. The petitioners have approached this Court seeking for a direction to the respondents to issue agricultural jewel loan waiver certificate in respect of the jewel loan that was taken by them from the 3rd respondent society, pursuant to GO Ms.No.15 and 16 Co-operation Food and Consumer Protection Department dated 08.02.2021 and the guidelines issued by the Registrar, which provides for such waiver of the agricultural jewel loan.

3. When the matter came up for admission on 21.09.2021, this Court directed the learned Government Counsel to take instructions and report before this Court.

4. When the matter was taken up for hearing today, the learned Government counsel appearing on behalf of 3rd respondent society submitted the written instructions received from the Secretary of the society. It is stated that all the four petitioners are fulfilling the requirements and are eligible for the Agricultural jewel loan waiver certificate. The learned counsel further submitted that including the petitioners, there are totally 41 persons who are eligible for the loan waiver certificate. It is submitted that the 3rd respondent has already forwarded the necessary recommendation before the 2nd respondent and it is for the 2nd respondent to take a decision and inform the same in order to enable granting of the agricultural jewel loan waiver certificate to the petitioners and others who are entitled for the same.

5. The learned Government Counsel appearing on behalf of the 2nd respondent submitted that the letter forwarded by the 3rd respondent will be considered by the 2nd respondent and a decision will be taken within the time frame fixed by this Court.

6. The learned counsel for the petitioner submitted that similarly placed persons have already been given the loan waiver certificate and therefore, the petitioners and others are

also entitled for the very same benefit and they cannot be deprived of such a right provided under the relevant Government orders.

7. Taking into consideration the facts and circumstances of this case and also of the fact that the 3rd respondent has already forwarded the recommendation to the 2nd respondent to the effect that including the petitioners totally 41 persons are entitled for the loan waiver certificate, there shall be a direction to the 2nd respondent to consider the recommendation made by the 3rd respondent and scrutinise the claim made by the petitioner and others and a decision shall be taken within a period of 10 weeks from the date of receipt of a copy of this order. Depending upon the decision taken by the 2nd respondent, further action shall be taken by the 3rd respondent society.

8. All these writ petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai - 10

2.The Joint Registrar of Co-operative Societies,
Salem Region,
Salem.

+1cc to Mr.M.S.Palanisamy, Advocate Sr No.53260
+1cc to the Government Pleader Sr No.53137

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UGII (CO)
PR (02/11/2021)