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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P. Nos.22446, 22453, 22456, 22459 of 2021

(Through Video Conference)

- | | |
|-------------------|--------------------------------------|
| 1. E.Raja | ..Petitioner in W.P.No.22446 of 2021 |
| 2. E.Kulandaivelu | ..Petitioner in W.P.No.22453 of 2021 |
| 3. R.Sivabakkiam | ..Petitioner in W.P.No.22456 of 2021 |
| 4. E.Senthilkumar | ..Petitioner in W.P.No.22459 of 2021 |

Vs.

- | | |
|--|-----------------------------|
| 1. The Secretary to the Government
Food and Co-operation and Consumer Protection Department,
St.George, Chennai. | |
| 2. The Registrar of Co-operative Societies,
NV Natarajan Maaligai,
170 Periyar EVR High Road Kilpauk,
Chennai - 600 010. | |
| 3. The Joint Registrar of Co-operative Societies,
Salem Region, Salem. | |
| 4. The Special Officer,
Salem District Central Co-operative Bank,
Central Co-operative Bank, Salem - 7. | |
| 5. The Secretary,
K.9787, K.Kondapanaickenpatty Primary,
Agricultural Co-operative Credit Society,
Kondappanaickenpatti,
Kannankurichi Post,
Salem - 8. | .. Respondents in all W.P's |



Prayer in W.P.No.22446 of 2021: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records of the 5th respondent's impugned proceedings dated 03.03.2021 and quash the same and consequently directing the respondents to waive the agricultural loan which has been obtained by the petitioner on 14.09.2016 vide Loan No.294 with respect of petitioner's membership number 4383 for an amount of Rs.96,000/- in together with all interest and penal interest.

Prayer in W.P.No.22453 of 2021: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to waive the agricultural loan which has been obtained by the petitioner on 14.09.2016 vide Loan No.296 with respect of petitioner's membership number 4910 for an amount of Rs.74,000/- in together with all interest and penal interest.

Prayer in W.P.No.22456 of 2021: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records of the 5th respondent's impugned proceedings dated 03.03.2021 and quash the same and consequently directing the respondents to waive the agricultural loan which has been obtained by the petitioner on 14.09.2016 vide Loan No.300 with respect of petitioner's membership number 4912 for an amount of Rs.77,000/- in together with all interest and penal interest.

Prayer in W.P.No.22459 of 2021: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to waive the agricultural loan which has been obtained by the petitioner on 14.09.2016 vide Loan No.298 with respect of petitioner's membership number 6340 for an amount of Rs.80,000/- in together with all interest and penal interest.

In all W.P.'s:

For Petitioners : Mr.R.Nalliyappan

For RR 1, 2 & 4 : Mr.A.Selvendran,
Government Advocate

For R-3 : Mr.D.Ravichandran



C O M M O N O R D E R

Since the issue involved in all these writ petitions are one and the same, they are disposed of by this common order.

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2. All these writ petitions have been filed aggrieved by the decision taken by the 5th respondent Co-operative Society wherein the request made by the petitioners for waiver of the loan has been rejected.

3. Heard Mr.R.Nalliyappan, learned counsel for the petitioners, MrA.Selvendran, learned Government Advocate appearing on behalf of the respondents 1, 2 and 4 and Mr.D.Ravichandran, learned counsel appearing for the third respondent.

4. In the considered view of this Court, the writ petition filed against the Co-operative Society is not maintainable in view of the judgment of the five Member Bench in Marappan Vs. Deputy Registrar of Co-operative Society, Namakkal reported in 2006 (4) CTC 689.

5. The constitutional status that was given to the Co-operative Society has also been struck down by the Hon'ble Supreme Court in the latest Judgment in Union of India Vs. Rajendra N Shah reported in 2021 SCC Online SC 474. Therefore, the judgment of the larger Bench is binding and this Court is not in a position to entertain these writ petitions.

6. In view of the above, liberty is granted to the petitioners to work out their remedy under Section 90 of the Co-operative Societies Act, 1983, if they are aggrieved by the action of the 5th respondent Society. Except giving this liberty, no further orders can be passed in these writ petitions.

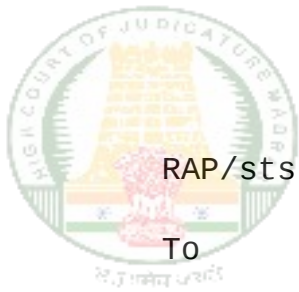
7. Accordingly, all these Writ Petitions are disposed of with the above liberty. No costs.

Sd/-

Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar



RAP/sts

To

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Salem - 8.

+1CC to The Government Pleader, SR.No. 55108

W.P.Nos.22446, 22453,
22456, 22459 of 2021

BS(CO)
B.VC (08/11/2021)