



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.7495 OF 2022

AND

W.M.P.NO.7500 OF 2022

M.Tamilselvi

... Petitioner

.Vs.

1. The Secretary to Government,
Cooperation, Food and Consumer Protection,
St. George Fort, Secretariat,
Chennai - 600 009.

2. The Branch Manager,
Coimbatore City Cooperative Bank Ltd.,
No.31-35, Sigma Towers,
Dr.Narayanasamy Layout,
Papanayakkanpalayam,
Coimbatore - 641 037.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice dated 07.03.2022 passed by the 2nd respondent and quash the same as illegal, void and ultra virus of the Constitution of India and consequently, directing the 2nd respondent to consider the representation dated 25.02.2022 in the light of the Government Order passed by the 1st respondent for waiving of the jewel loan.

For Petitioner : Mr.T.N.Muralimoghan

For R1 : Mr.R.Neelakandan
(Additional Advocate General)
Assisted by
Mr.A.Selvendran
(Special Government Pleader)

For R2 : Mr.T.Arunkumar
(Additional Government Pleader)



O R D E R

This Writ Petition is filed by the petitioner challenging the impugned notice passed by the 2nd respondent and consequently, direct the 2nd respondent to consider his representation in the light of the Government Order passed by the 1st respondent for waiving of the jewel loan.

2. Heard the learned counsel appearing for the petitioner, learned Additional Advocate General assisted by learned Special Government Pleader appearing for the 1st respondent as well as the learned Additional Government Pleader appearing for the 2nd respondent and perused the entire materials available on record.

3. According to the petitioner, he is a member of the 2nd respondent Cooperative Bank. On 24.12.2020, he pledged his gold jewels with stones having gross weight 44.1 gms and net weight 38 gms, for which he was paying the interest periodically. While so, the 1st respondent published a gazette notification for waiver of jewel loan obtained from the Cooperative Banks availed by persons who have pledged their jewels below 40 gms (5 Sovereigns) with certain conditions. The petitioner is also entitled to avail the said waiver. Hence, the petitioner sent a representation dated 25.02.2022 to the 2nd respondent, requesting to consider for waiver of his jewel loan. Without considering the representation of the petitioner, the 2nd respondent issued an auction notice dated 07.03.2022 to the petitioner, fixing the date of auction as 30.03.2022. The impugned auction notice without considering the representation of the petitioner is illegal, arbitrary and ultra virus to the Constitution of India and prayed for allowing the Writ Petition.

4. The learned Additional Advocate General appearing for the 1st respondent, on instructions, submitted that the impugned notice of the 2nd respondent dated 07.03.2022, which was issued after receiving the representation of the petitioner dated 25.02.2022, can be set aside and representation of the petitioner will be decided on merits, taking into consideration the Government Order issued by the 1st respondent. He further submitted that a District level Redressal Committee has been constituted to consider the applications for waiver of loans and a direction may be issued to the District level Redressal Committee, Coimbatore Region to consider the representation of the petitioner.

5. Recording the submission of the learned Additional Advocate General, the impugned notice of the 2nd respondent dated 07.03.2022 is set aside. The District level Redressal Committee of Coimbatore Region is directed to consider the representation



of the petitioner dated 25.02.2022 on merits, taking into consideration the Government Order issued in G.O.(Ms) No.97, Cooperation, Food and Consumer Protection (CC1) Department dated 01.11.2021.

WEB COPY

With the above direction, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Secretary to Government,
Cooperation, Food and Consumer Protection,
St. George Fort, Secretariat,
Chennai - 600 009.
2. The Branch Manager,
Coimbatore City Cooperative Bank Ltd.,
No.31-35, Sigma Towers,
Dr.Narayanasamy Layout,
Papanayakkanpalayam,
Coimbatore - 641 037.

Copy To:-

The Presiding Officer,
The District Level Redressal committee,
Coimbatore Region,
Coimbatore - 641 031.

+1cc to Mr.T.Arunkumar, Advocate, S.R.No.29953
+1cc to Mr.T.N.Muralimoghan, Advocate, S.R.No.28945
+1cc to the Government Pleader, S.R.No.29383

W.P.NO.7495 OF 2022

MG(CO)
PBS/25/05/2022