



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

WEB COPY

W.P(MD)No. 2453 of 2022
and W.M.P.(MD). Nos. 2147, 2149 and 2150 of 2022

S.Lingaraj

.. Petitioner

Vs

1. Additional Chief Secretary,
Co-operation, Food & Consumer Protection Department,
Government of Tamil Nadu,
Chennai - 600 009.

2.The Registrar,
Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road,
Kilpauk, Chennai - 600 010.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the record in respect of the impugned order of the 1st respondent in G.O.(Ms).No.97 Cooperation, Food and Consumer Protection (CC1) Department dated 01.11.2021 published in the website of the 1st respondent and quash the same as illegal, arbitrary, unconstitutional against Article 14 of the Constitution of India, contrary to the statutory provisions and spirit of the Apex Court order.

For Petitioner	:	Mr.S.Sankar for Mr.B.Ramkumar Adityan
For Respondents	:	Mr.Veerakathiravan, Additional Advocate General assisted by Mr.P.Thilak Kumar, Government Pleader

ORDER

(Made by PARESH UPADHYAY,J.)

This petition is styled as 'public interest litigation'.

2. Challenge is made to the G.O.(Ms).No.97 issued by the Government of Tamil Nadu, Co-operation, Food and Consumer Protection (CC1) Department dated 01.11.2021. The relevant part of the said

<https://hccservices.ecourts.gov.in/cases/>



Government Order reads as under:-

"Jewel loan waiver for a family is 5 sovereigns of Jewel loans subject to certain conditions to benefit the truly poor common people. The estimate for waiver of 5 sovereign gold loans for every qualified family will be rupees 6 thousand crores based on preliminary assessments. The Government of Tamil Nadu will provide the necessary assistance to the co-operative societies for this purpose."

3. Learned advocate for the petitioner has submitted that, though the impugned Government Order is towards fulfilment of one of the promises made to the voters by a political party at the time of general election for the State Legislative Assembly held last year, and which came to power to form the Government, issuing consequential notification in fulfilment thereof, needs to be tested by the competent court whether the said Government Order can not be said to be in furtherance of the public policy or is inconsistent with public policy. It is submitted that this petition be entertained. Learned advocate for the petitioner has also referred to the decision of the Supreme Court in the case of S.Subramaniam Balaji v Government of Tamil Nadu and others (C.A.No.5130 of 2013 dated 05.07.2013).

4. Having heard learned advocate for the petitioner and having considering the material on record this Court finds that, whether the impugned Government Order is in furtherance of the public policy or otherwise need not be examined in this public interest litigation. If any person challenges the said Government Order dated 01 November 2021, by showing his grievance and locus, the same may be examined on its own merits.

5. We note that, though learned Additional Advocate General is present in the Court and he attempted to address the Court, however we have not thought it necessary to call upon him for the reasons, which are noted above.

6. This petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions would not survive. It is clarified that non-interference by this Court in the impugned notification is not to be understood as confirmation thereof and in the event it is challenged by an aggrieved party, sustainability thereof may be examined on its own merits by the court.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



sj/13

To :

1.The Additional Chief Secretary,
Co-operation, Food & Consumer Protection Department,
Government of Tamil Nadu,
Chennai - 600 009.

2.The Registrar,
Co-operative Societies,
No.170, NV Natarajan Maaligai,
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+1 CC to M/s.SPL GP (SR-5344[F] dated 10/02/2022)

W.P (MD) No. 2453 of 2022
09.02.2022

SVS (CO)
KB(21.02.2022) 3P 4C