



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

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**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

W.P(MD).Nos.19718, 19719,  
19720, 19721 and 19722 of 2021  
and  
W.M.P(MD)Nos.16400, 16402,  
16401, 16403 and 16404 of 2021

**W.P(MD)No.19718 of 2021**

M.Periyasamy

...Petitioner

**Vs.**

- 1.The Registrar of Co-operative Societies,  
Tailors Road, Kilpauk,  
Chennai - 600 010.
- 2.The Deputy Registrar of Co-operative Societies,  
O/o. the Deputy Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.
- 3.The Joint Registrar of Co-operative Societies,  
O/o. the Joint Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.
- 4.The Secretary,  
Q-531 Ladanendal Primary Agr. Co-operative Credit Society,  
Thiruppuvanam Taluk,  
Sivagangai District.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent vide his proceedings NIL dated 01.09.2021 and the consequential impugned order issued by the third respondent vide his proceedings ந.க.97/2019 தொவ(5) dated 03.09.2021 and quash the same as illegal and to direct the respondents to waive the petitioners' Agriculture Crop Loan availed in the fourth respondent bank in



terms of the circular issued by the first respondent vide his proceedings சுற்றறிக்கை எண்-01/2021 (ந.க.எண்.6666/2021 வேகதி2) dated 08.02.2021, within the period that may be stipulated by this Court.

**W.P(MD)No.19719 of 2021**

R.Murugan

...Petitioner

**Vs.**

- 1.The Registrar of Co-operative Societies,  
Tailors Road, Kilpauk,  
Chennai - 600 010.
- 2.The Deputy Registrar of Co-operative Societies,  
O/o. the Deputy Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.
- 3.The Joint Registrar of Co-operative Societies,  
O/o. the Joint Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.
- 4.The Secretary,  
Q-531 Ladanendal Primary Agr. Co-operative Credit Society,  
Thiruppuvanam Taluk,  
Sivagangai District.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent vide his proceedings NIL dated 01.09.2021 and the consequential impugned order issued by the third respondent vide his proceedings ந.க.97/2019 தொவ(2) dated 03.09.2021 and quash the same as illegal and to direct the respondents to waive the petitioners' Agriculture Crop Loan availed in the fourth respondent bank in terms of the circular issued by the first respondent vide his proceedings சுற்றறிக்கை எண்-01/2021 (ந.க.எண்.6666/2021 வேகதி2) dated 08.02.2021, within the period that may be stipulated by this Court.



**W.P(MD)No.19720 of 2021**

V.Sangili Ayyadurai

...Petitioner

**Vs.**

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- 1.The Registrar of Co-operative Societies,  
Tailors Road, Kilpauk,  
Chennai - 600 010.
  - 2.The Deputy Registrar of Co-operative Societies,  
O/o. the Deputy Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.
  - 3.The Joint Registrar of Co-operative Societies,  
O/o. the Joint Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.
  - 4.The Secretary,  
Q-531 Ladanendal Primary Agr. Co-operative Credit Society,  
Thiruppuvanam Taluk,  
Sivagangai District.
- ...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent vide his proceedings NIL dated 01.09.2021 and the consequential impugned order issued by the third respondent vide his proceedings ந.க.97/2019 தொவ(1) dated 03.09.2021 and quash the same as illegal and to direct the respondents to waive the petitioners' Agriculture Crop Loan availed in the fourth respondent bank in terms of the circular issued by the first respondent vide his proceedings சுற்றறிக்கை எண்-01/2021 (ந.க.எண்.6666/2021 வேகதி2) dated 08.02.2021, within the period that may be stipulated by this Court.

**W.P(MD)No.19721 of 2021**

P.Sangeetha

...Petitioner

**Vs.**



1.The Registrar of Co-operative Societies,  
Tailors Road, Kilpauk,  
Chennai - 600 010.

2.The Deputy Registrar of Co-operative Societies,  
O/o. the Deputy Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.

3.The Joint Registrar of Co-operative Societies,  
O/o. the Joint Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.

4.The Secretary,  
Q-531 Ladanendal Primary Agr. Co-operative Credit Society,  
Thiruppuvanam Taluk,  
Sivagangai District.

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent vide his proceedings NIL dated 01.09.2021 and the consequential impugned order issued by the third respondent vide his proceedings ந.க.97/2019 தொவ(4) dated 03.09.2021 and quash the same as illegal and to direct the respondents to waive the petitioners' Agriculture Crop Loan availed in the fourth respondent bank in terms of the circular issued by the first respondent vide his proceedings சுற்றறிக்கை எண்-01/2021 (ந.க.எண்.6666/2021 வேகதி2) dated 08.02.2021, within the period that may be stipulated by this Court.

**W.P(MD)No.19722 of 2021**

A.Saravana Bhuvaneswari

...Petitioner

**Vs.**

1.The Registrar of Co-operative Societies,  
Tailors Road, Kilpauk,  
Chennai - 600 010.



2.The Deputy Registrar of Co-operative Societies,  
O/o. the Deputy Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.

3.The Joint Registrar of Co-operative Societies,  
O/o. the Joint Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.

4.The Secretary,  
Q-531 Ladanendal Primary Agr. Co-operative Credit Society,  
Thiruppuvanam Taluk,  
Sivagangai District. ...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the third respondent vide his proceedings ந.க.97/2019 தொவ(3) dated 03.09.2021 and quash the same as illegal and to direct the respondents to waive the petitioners' Agriculture Crop Loan availed in the fourth respondent bank in terms of the circular issued by the first respondent vide his proceedings சுற்றறிக்கை எண்-01/2021 (ந.க.எண்.6666/2021 வேகதி2) dated 08.02.2021, within the period that may be stipulated by this Court.

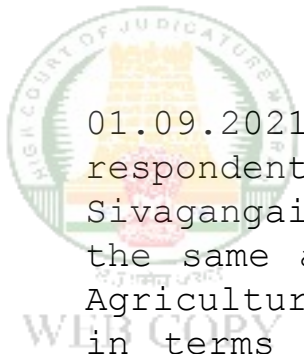
For Petitioners : Mr.S.Mohamed Suhail  
(In all W.Ps) For M/s.Ajmal Associates

For R1 to R3 : Mr.D.Ghandiraj  
(In all W.Ps) Special Government Pleader

For R4 : Mr.S.Kameswaran  
(In all W.Ps) Government Advocate

### **C O M M O N O R D E R**

The Writ Petitions have been filed in the nature of Certiorarified Mandamus, calling for records relating to an impugned order passed by the fourth respondent/The Secretary, Q-531 Ladanendal Primary Agricultural Co-operative Credit Society, Thiruppuvanam Taluk in Sivagangai District, dated



01.09.2021 and the consequential impugned order of the third respondent/the Joint Registrar of Co-operative Societies, Sivagangai in Sivagangai District, dated 03.09.2021 and quash the same and direct the respondents to waive the petitioners' Agricultural Crop Loan availed in the fourth respondent Bank, in terms of the circular issued by the first respondent/the Registrar of Co-operative Societies, Chennai, in Circular No.1 of 2021/Na.Ka.No.666/2021 (வேகதி2) dated 08.02.2021.

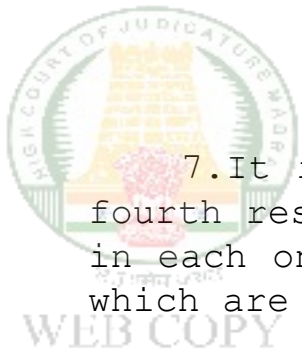
2.It is the contention of the writ petitioners in the affidavits filed in support of the Writ Petitions, that they are agriculturists and had taken a land for lease for cultivation. They have obtained loan from the fourth respondent. Thereafter, owing to flood, they were not able to do cultivation. They suffered a loss in the cultivation.

3.In view of the fact that a circular was issued on 08.02.2021, by the first respondent waiving crop loans the petitioners seek benefit of such waiver.

4.Mr.D.Ghandiraj, learned Special Government Pleader takes notice on behalf of the respondents 1 to 3 and Mr.Kameswaran, learned Government Advocate takes notice on behalf of the fourth respondent.

5.In the counter of the fourth respondent, it had been stated that the petitioner had made a representation, seeking waiver of the loan availed in view of the circular No.1 of 2021. That particular representation of the petitioner was forwarded by the fourth respondent to the second respondent/the Deputy Registrar of Co-operative Societies, Sivagangai. The second respondent, had passed an order, eliminating the name of the petitioners from the list of beneficiaries, claiming that the petitioners were not residing in the area of operation of the society and that the petitioners were also not cultivating the lands.

6.The petitioners therefore, filed W.P(MD)No.9589 of 2021. A learned Single Judge of this Court had directed them to give a further representation and disposed of the Writ Petition on 04.06.2021. The further representation was given by the petitioners and again the request of the petitioners was rejected by the third respondent.



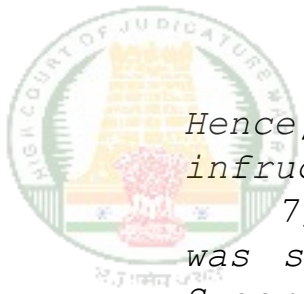
7.It is stated that thereafter, the amounts payable to the fourth respondent had been repaid by M/s Sakthi Sugars Limited in each one of the writ petitions. The details are as follows which are given in the counter:

'7)It is further submitted that the said loan was sanctioned under recommendation of M/s.Sakthi Sugars Limited, through Loan App No.3081/1-7-2016. Considering the present situation, M/s. Sakthi Sugars Limited repaid the loan outstanding amount of Rs.2,11,961/- on 21.12.2021 against petitioner's loan account vide numbers 39 and 40 and it was duly received by the fourth respondent. Hence, the present Writ Petition becomes infructuous.

7)It is further submitted that the said loan was sanctioned under recommendation of M/s.Sakthi Sugars Limited, through Loan App No.3463/9-7-2016. Considering the present situation, M/s. Sakthi Sugars Limited repaid the loan outstanding amount of Rs.30,688/- on 21.12.2021 against petitioner's loan account vide number 36 and it was duly received by the fourth respondent. Hence, the present Writ Petition becomes infructuous.

7)It is further submitted that the said loan was sanctioned under recommendation of M/s.Sakthi Sugars Limited, through Loan App No.3054/1-7-2016. Considering the present situation, M/s. Sakthi Sugars Limited repaid the loan outstanding amount of Rs.1,23,215/- on 21.12.2021 against petitioner's loan account vide numbers 44 and 45 and it was duly received by the fourth respondent. Hence, the present Writ Petition becomes infructuous.

7)It is further submitted that the said loan was sanctioned under recommendation of M/s.Sakthi Sugars Limited, through Loan App No.3470/11-7-2016. Considering the present situation, M/s. Sakthi Sugars Limited repaid the loan outstanding amount of Rs.2,08,470/- on 21.12.2021 against petitioner's loan account vide number 41 and it was duly received by the fourth respondent.



Hence, the present Writ Petition becomes infructuous.

7)It is further submitted that the said loan was sanctioned under recommendation of M/s.Sakthi Sugars Limited, through Loan App No.3073/1-7-2016. Considering the present situation, M/s. Sakthi Sugars Limited repaid the loan outstanding amount of Rs.54,800/- on 21.12.2021 against petitioner's loan account vide number 42 and it was duly received by the fourth respondent. Hence, the present Writ Petition becomes infructuous.'

8.It is therefore seen that the loans availed by the petitioners had been repaid to the fourth respondent. There are no claims now payable to the petitioners or payable by the petitioners.

9.The learned Counsel for the petitioners however claims that since they had availed the loans that amount should be retained by them and that they should get the amounts. That contention is rejected. They had availed the loans for doing agriculture. They had availed the loans on the ground that they are doing agriculture in the same area. Now, as a fact both of the reasons are stated to be false by the second respondent. Then, the contention of the petitioners had been rejected.

10.Questioning that, the petitioners had filed Writ Petitions. An order was passed directing the petitioners to given further representations. Then, the petitioners gave further representations, but again the issue of fact was held against the petitioners. Therefore, the loans had to be repaid back to the fourth respondent, which is the society, which lent the loan. The money had been repaid back to the fourth respondent. Now, there is nothing due to the fourth respondent. The matter ends there. Therefore, the petitioners cannot claim that the loan which had been given to them should be retained by them. This in effect would mean that they had actually not put any effort for agriculture. If they had spent the money for agriculture, they would have been disbursed the money.



11.In view of the repayment of the loan by M/s.Sakthi Sugars Limited to the fourth respondent, the claims of the petitioner cannot be granted.

12.In view of the fact that the amounts have been paid, let there have been no further harassment owing to the particular crop loans obtained by the petitioner herein, and if at all claims arise, let them be claimed in manner known to law.

13.With the above observations, these Writ Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

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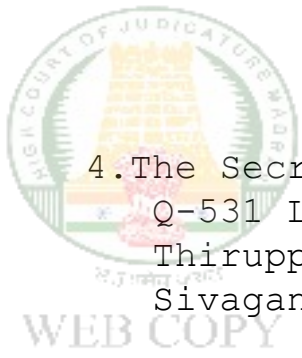
Sub Assistant Registrar(CS)

lr

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 Registrar of Co-operative Societies,  
Tailors Road, Kilpauk,  
Chennai - 600 010.
- 2.The Deputy Registrar of Co-operative Societies,  
O/o. the Deputy Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.
- 3.The Joint Registrar of Co-operative Societies,  
O/o. the Joint Registrar of Co-operative Societies,  
Sivagangai, Sivagangai District.



4.The Secretary,  
Q-531 Ladanendal Primary Agr. Co-operative Credit Society,  
Thiruppuvanam Taluk,  
Sivagangai District.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate ( SR-2293[F] dated  
25/01/2022 )

+1 CC to M/s.SPL.GP ( SR-2343,2347,2346,2345,2344, 2353 )

**W.P(MD) .Nos.19718, 19719,  
19720, 19721 and  
19722 of 2021  
24.01.2022**

AL(CO)  
TR(03.02.2022) 10P 8C