



W.P(MD)No.20683 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20683 of 2022

and

W.M.P.(MD)Nos.14996 & 14997 of 2022

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... Petitioner

Vs.

1.The District Collector,
Madurai, Madurai District.

2.The Deputy Registrar / Verification / Committee Head,
Madurai Zone, Co-operative Societies Deputy Registrar's Office,
Madurai City, Madurai.

3.The Secretary,
A-2348, Kidaripatty Primary Agricultural Co-operative Society,
Kidaripatty, Melur, Madurai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 3rd respondents impugned order dated 17.8.2022 and quash the same as illegal and consequently directing the 3rd respondent to redeem the petitioners pledged jewels of 40 grams in his debt Account no. CO-53(COVID53) on the strength of the Tamil Nadu Governments Order no. 97 dated 1.11.2021 through other Cooperative Food and Consumer Protection (CC1) Department by considering his representation dated 22.8.2022 within a stipulated time limit as fixed by this Court.



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For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner approached the third respondent for jewel loan on 28.09.2020. The gold pledged by her weighed 40 grams. The petitioner was granted loan of Rs.97,500/-. The Government issued G.O.Ms.No.97, dated 01.11.2021 writing-off the loan accounts where the pledged items weighed 40 grams or less. The petitioner approached the third respondent for waiver of her jewel loan.

3. The respondents 2 & 3 now took the stand that the pledged item actually weighed 40.10 grams and hence, benefit of waiver cannot be extended to her. Challenging the said stand, the writ petition has been filed.

4. A similar issue arose before me in W.P.(MD)No.13821 of 2022. The said writ petition was allowed by me on 21.07.2022 as follows:-

“Heard the learned counsel on either side.

2. The writ petitioner availed jewel loan from the fourth respondent society on 13.10.2020. The Government issued G.O.Ms.No.97 Co-operation, Food and Consumer Production (CC1) Department dated 01.11.2021 providing for waiver. The audit



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committee took the stand that the petitioner is not entitled to waiver.

That led to the filing of this writ petition.

3. Counter affidavit has been filed by the first respondent. The stand taken in the counter affidavit is that the benefit of waiver will be available where the jewel waived less than 40 grams; in this case, the pledged jewellery weighed above 40 grams; therefore, the petitioner cannot claim the benefit of the Government Order.

4. The petitioner had enclosed in the typed set of papers, the receipt issued by the Society on 13.10.2020 in which it has been mentioned that the gross weight is 39.200 grams and net weight is 35.400 grams. The society cannot be allowed to resile from the said stand. It cannot take one stand at the time of the granting loan and another stand while considering the request for waiver.

5. In this view of the mater, respondents 3 to 5 are directed to grant waiver under the petition mentioned Government Order to the petitioner. This writ petition stands allowed. No costs.

5. Adopting the very same reasoning, the impugned order dated 17.08.2022 is set aside. The Writ Petition is allowed. The respondents are directed to comply with G.O.Ms.No.97, dated 01.11.2021 in the case of the petitioner herein. The weight of the jewelry pledged by the petitioner for



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obtaining the petition mentioned loan shall be taken only as 40 grams and not more.

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6. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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