



W.P.No.16658 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.08.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.16658 of 2023**  
**and W.M.P.No.15957 of 2023**

Ramamurthi

... Petitioner

VS.

- 1.The District Collector,  
Collectorate Building,  
Nallipalayam, Namakkal District.
- 2.The Joint Registrar of Co-operative Societies,  
District Collectorate Campus,  
Nallipalayam,  
Namakkal District.
- 3.The Deputy Registrar of Co-operative Societies,  
Tiruchengodu circle,  
Paramathy Road, Tiruchengodu,  
Namakkal District.
- 4.The Secretary,  
No.5559, Nadanthai Primary Agriculture Co-operative  
Credit Society,  
Nadanthai,  
Paramathy Taluk,  
Namakkal District.

... Respondents



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**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 4<sup>th</sup> respondent made in order dated 18.05.2023 in respect of Loan Accounts No.1876, 1850 respectively and quash the same and consequently direct the 4<sup>th</sup> respondent to grant waiver of the petitioner's mortgage gold loan dated 13.10.2020 and 28.10.2020 and return back his gold jewels pursuant to the Waiver certificate No.170, 181 dated 28.03.2022 issued by the 4<sup>th</sup> respondent.

For Petitioner : Mr.N.Umapathi

For R2 and R3 : Mr.R.U.Dinesh Raj Kumar  
Additional Government Pleader

For R4 : Mr.V.Prashanth Kiran  
Government Advocate

For R1 : Not Pressed

### **ORDER**

The writ petition is filed challenging the auction notice issued by the 4<sup>th</sup> respondent dated 18.05.2023.

2. It is the case of the petitioner that the petitioner is the Member of the 4<sup>th</sup> respondent/Society and his Membership Number is B-12487. The petitioner has pledged his gold jewels and taken agricultural loan from the 4<sup>th</sup> respondent/Society on 13.10.2020 vide Loan No.1850 for a sum of



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Rs.23,000/- and on 28.10.2020 vide Loan No.1876 for a sum of Rs.50,000/- totally a sum of Rs.73,000/-. The Government of Tamil Nadu passed G.O.(Nilai)No.97, dated 01.11.2021 for waiver of Jewel loans. It is claimed by the petitioner that he is eligible for waiver of jewel loan as per the above said Government Order. The 4<sup>th</sup> respondent recognising the right of the petitioner issued two Loan Waiver Certificates vide Nos.170 and 181 on 28.03.2022 to the petitioner.

3. Subsequently, the 3<sup>rd</sup> respondent rejected the waiver loan certificates and challenging the same, the petitioner filed writ petition in W.P.No.410 of 2023 and the same was disposed on 09.01.2023 by directing the petitioner to produce the Aadhar card of his wife before the 3<sup>rd</sup> respondent herein. The 4<sup>th</sup> respondent insisted that the petitioner should produce the Aadhar card of his wife to find out whether the petitioner's family is eligible for waiver of jewel loan as per the scheme announced by the Government.

4. It is the case of the petitioner that as per the direction given by this Court, the petitioner submitted copy of his wife's Aadhar card to the 4<sup>th</sup>



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respondent and made several representation for waiver of the loan amount. It

is also stated by the petitioner that the relationship between the petitioner and his wife got strained. Therefore, the petitioner is not in a position to produce the original Aadhar card of his wife before the 4<sup>th</sup> respondent as demanded. Now, the 4<sup>th</sup> respondent issued the impugned auction notice for sale of the jewels pledged by the petitioner.

5. The learned counsel appearing for the petitioner submitted that as directed by this Court, the petitioner produced a xerox copy of the Aadhar card before the 4<sup>th</sup> respondent and therefore, the 4<sup>th</sup> respondent is under obligation to allow the waiver of jewel loan and hand over the pledged jewels to the petitioner.

6. Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader appearing for the respondents 2 and 3 and Mr.V.Prashanth Kiran, learned Government Advocate appearing for the 4<sup>th</sup> respondent by taking this Court to the counter affidavit filed by 3<sup>rd</sup> respondent, submitted that the wife of the petitioner submitted a written representation to the 4<sup>th</sup> respondent informing them that she had not handed over her Aadhar card to



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the petitioner and a copy of her Aadhar card is being misused by the petitioner. Therefore, the 4<sup>th</sup> respondent is not in a position to hand over the jewels to the petitioner.

7. The petitioner submitted a copy of the Aadhar card of his wife before the 4<sup>th</sup> respondent. If the 4<sup>th</sup> respondent entertained any doubt with regard to the genuineness of the Aadhar card, it is always open to them to login to the official website of UIDAI and verify whether the Aadhar number provided by the petitioner is correct or not.

8. When it is stated by the petitioner that the relationship between the petitioner and his wife got strained and therefore, he is not in a position to produce the original Aadhar card of his wife, the petitioner can very well verify the correctness of the same by visiting the official website and satisfy themselves with regard to the genuineness of the Aadhar card.

9. It is pertinent to mention that the Aadhar number of the petitioner's wife is required only for a limited purpose to find out the eligibility of the petitioner's family to avail benefit under loan waiver scheme. The 4<sup>th</sup>



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respondent by using Aadhar number will find out whether any other member of petitioner's family availed jewel loan and received benefit under the scheme.

10. The 4<sup>th</sup> respondent after verifying the correctness of the Aadhar number provided by petitioner, if so advised can also get necessary indemnity bond from the petitioner. After getting indemnity bond from petitioner, the respondent can issue discharge certificate to the petitioner and hand over the pledged jewels, if he is entitled to.

11. In view of the discussions made earlier, the impugned auction notice issued by the 4<sup>th</sup> respondent is set aside and the 4<sup>th</sup> respondent is directed to verify the correctness of the Aadhar number furnished by the petitioner as indicated above and pass necessary orders for return of the jewels to the petitioner as expeditiously as possible preferably within a period of six weeks from the date of receipt of copy of this order, if he is otherwise found eligible.



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12. Accordingly, the writ petition is allowed. No costs. Consequently,

the connected miscellaneous petition is closed.

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Index :Yes/No  
Speaking order :Yes/No  
Neutral Citation :Yes/No  
dm

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**S.SOUNTHAR, J.**

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