



W.P(MD)No.3146 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3146 of 2023

A.Ramprabhu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Co-operative Urban Bank,
Primary Co-operative Agriculture
& Rural Development Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Registrar,
Co-operative Societies,
Chennai.
- 3.The Joint Registrar,
Co-Operative Societies,
Palanganatham,
Madurai - 625 003.
- 4.The President,
A.2401.Othakkadi Rural Co-operative Bank Ltd.,
Y.Othakkadai, Madurai District.
- 5.The Secretary,
A.2401.Othakkadi Rural Co-operative Bank Ltd.,
Y.Othakkadai, Madurai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 to 5 herein to grant waiver of short term agriculture gold loan obtained by the petitioner in the 4th respondent bank vide Loan Account No.70985064026077 by considering the petitioner's representation dated 01.11.2021 in the light of G.O.Ms.No.97, Co-operation Food and Consumer Production (CC1) Department dated 01.11.2021 within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.M.Prakash,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The issue raised in the writ petition is squarely covered by the order dated 24.08.2022 made in W.P.(MD)No.13821 of 2021



W.P(MD)No.3146 of 2023

(S.Mokkaraj Vs. The State of Tamil Nadu) in which it had held that the cooperative society cannot be allowed to resile from the stand taken by it as regrades the weight of the pledged jewellery at the time granting loan. The jewellery cannot have a particular weight at the time of granting loan and another weight at the time of considering the plea of waiver.

3.In this case, it has been established by the petitioner that at the time of granting loan the pledged jewellery was shown as weighing 36 grams. Therefore, the petitioner will entitled to the benefit of government order. The respondents 3 to 5 are directed to grant wavier under the petition mentioned government order to the petitioner.

4.This writ petition is allowed accordingly. No costs.

15.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Primary Co-operative Agriculture
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G.R.SWAMINATHAN, J.

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