



WP(MD)No.12234 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12234 of 2021

and

W.M.P(MD)No.9631 of 2021

M.Muthiah

...Petitioner

/Vs./

1.The Manager,
District Central Cooperative Bank Limited,
Pudukkottai District

2.The Secretary,
MM 367 Pappudaiyanpatti,
Primary Agricultural and Cooperative Credit Society,
Themmavoor,
Pudukkottai District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents herein to sanction the Crop loan to the petitioner by considering the petitioner's application dated 23.10.2020 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Ms.D.Farjana Ghoushia

Special Government Pleader



WP(MD)No.12234 of 2021

ORDER

WEB COPY

This writ petition has been filed for issuance of writ of mandamus directing the respondents to sanction the crop loan to the petitioner by considering the application submitted by the petitioner on 23.10.2020.

2. The second respondent has filed a counter affidavit and the relevant portions are extracted hereunder:-

“a. It is submitted that the Petitioner herein is a member of the MM367 Pappudaiyanpatty Primary Agricultural Co-operative Credit Society Ltd., and his Member number being 1528. The Petitioner does not have any lands on his own and his father Mani, S/o.Muthiah Thalinjirar is holding the following lands in Themmavoor Revenue Village as per the land details of Revenue Department under Patta No.1076 and Adangal for Fasali 1429 as given by concerned V.A.O. On 05.10.2020.

<i>Sl.No.</i>	<i>Survey No.</i>	<i>Extent in Hectares</i>
<i>1.</i>	<i>381/19</i>	<i>0.54.50</i>
<i>2.</i>	<i>381/20</i>	<i>0.06.00</i>
<i>3.</i>	<i>381/21</i>	<i>0.20.50</i>
<i>4.</i>	<i>381/22</i>	<i>0.22.00</i>

b. It is further submitted that the Petitioner has requested for sanctioning Crop Loan in his name on the basis of above Revenue documents. Furthermore by letter dt.22.10.2020 addressed to the Pudukkotta! District Central Co-operative Bank Ltd. as well as to the Society claiming that his father is having



lands in Themmavoor Village under Patta No.1076, in Kunnandarkovil Village, under Patta No.240, and his mother is also having lands in Themmavoor Village under Patta No.788. On that basis the Petitioner has requested for the issuance of Crop Loan under Kissan Credit Scheme. However as already stated the land holding details as provided by the Petitioner were only in the name of his Father as per the Revenue Records and his father has left behind him four legal heirs including the Petitioner herein. Hence the request of the Petitioner for sanction of Crop Loan was not considered.

c. Also it is submitted that the Petitioner has earlier availed two Jewel Loans numbering 385 dt.13.03.2014 for an amount of Rs.6500/- and in No.407 dt.17.03.2014-for an amount of Rs.3600/- from the 2nd Respondent Society. The Petitioner has miserably failed to redeem the above two jewel loans on the due dates of 13.03.2015 and 17.03.2015 respectively. Hence the Society has auctioned the above said two jewel loans after following the due process of law, namely intimating the Petitioner through RPAD etc. and in the same the Society has incurred a loss of Rs * 0.1 ,990/- and 940/- and the above said jewel loans 385 & 407 respectively.”

3. It is clear from the counter that the petitioner has been found to be not entitled for the crop loan due to the fact that the petitioner is already a defaulter in two jewel loans that were taken. That apart, the property that was sought to be given as security belonged to the family and there is a claim made by other legal heirs also.



WP(MD)No.12234 of 2021

WEB COPY

4. In view of the above, the relief sought for by the petitioner cannot be granted by this Court and this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
sm



WP(MD)No.12234 of 2021

To,

1.The Manager,
District Central Cooperative Bank Limited,
Pudukkottai District

2.The Secretary,
MM 367 Pappudaiyanpatti,
Primary Agricultural and Cooperative Credit Society,
Themmavoor,
Pudukkottai District.



WEB COPY



WP(MD)No.12234 of 2021

N.ANAND VENKATESH, J.

sm

Order made in
W.P.(MD)No.12234 of 2021
and W.M.P(MD)No.9631 of 2021

Dated:
19.10.2023