



W.P.(MD) No.21252 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.21252 of 2021

Selvam

S/o.Lakshmanan

... Petitioner

Vs.

1.The Secretary,
Z637, Swamimalai Primary Agriculture
Co-operative Credit Society Ltd.,
Swamimalai Post, Kumbakonam Taluk,
Thanjavur District.

2.The Secretary,
Z803, Adhanoor Primary Agriculture
Co-operative Credit Society Ltd.,
Adhanoor Post, Pabanasam Taluk,
Thanjavur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to issue Certificate to the petitioner that he has no account in the first respondent society based on petitioner's representation dated 08.11.2021.

For Petitioner : Mr.N.Anandakumar

For R1 : Mr.Niranjan.S.Kumar

For R2 : No appearance



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O R D E R

WEB COPY This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to issue No Objection Certificate (NOC) to the petitioner in order to enable the petitioner to avail agricultural crop loan from the second respondent Society.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent. There is no representation on behalf of the second respondent.

3. The petitioner was working as a Secretary in the first respondent Society and thereafter, he was placed under suspension for having indulged in misappropriation and the disciplinary proceedings are pending against him. The petitioner wanted to avail agricultural crop loan from the second respondent Society. The second respondent insisted for getting No Objection Certificate (NOC) from the first respondent. The petitioner made a representation to the first respondent in this regard. Since the same did not evoke any response, the present Writ Petition has been filed before this Court.



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4. When the matter was taken up for hearing, the learned counsel appearing on behalf of the first respondent brought to the notice of this Court the earlier order that was passed by this Court in W.P.(MD) No. 2243 of 2020 on 19.07.2021. In the said Writ Petition, the petitioner herein was the fourth respondent.

5. Considering the magnitude of the case, this Court directed the case to be investigated by the Commercial Crime Investigation Wing (CCIW), Thanjavur. This Court also directed the locker to be broken open in order to seize the articles lying inside the locker. The learned counsel for the first respondent submitted that there is absolutely no progress in the investigation and that the person who took action is now being victimized. In the light of these facts, the learned counsel for the first respondent is objecting to the relief sought for by the petitioner in this Writ Petition.

6. In the considered view of this Court, the conduct of the petitioner assumes importance in this case. The petitioner was the Secretary in the first respondent Society and had indulged in act of misappropriation. The investigation is pending. If any No Objection Certificate (NOC) is granted



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by the first respondent to the petitioner, it will be used by the petitioner as a defence document and thereby the entire Criminal Case will be weakened. There is something more than what meets the eye in this case. Therefore, this Court is not inclined to grant the relief sought for by the petitioner in this Writ Petition.

7. In the result, this Writ Petition is dismissed. There shall be no order as to costs.

20.11.2023

Index: Yes/ No
Neutral Citation: Yes / No
Speaking order / Non-Speaking order
JEN

To

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N.ANAND VENKATESH, J.

JEN

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