



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.01.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.24411 of 2022

and

WMP(MD)Nos.18502 & 18503 of 2022

M.Renukadevi

... Petitioners

v.

- 1.The State of Tamil Nadu,
Rep.by the Secretary to Cooperative
Society,
Secretariat, Chennai.
- 2.The Registrar,
Cooperative Societies,
Chennai.
- 3.The District Collector,
Virudhunagar District,
Virudhunagar.
- 4.The Joint Registrar,
Cooperative Societies,
Virudhunagar – 626 002.
- 5.The Secretary,
The Virudhunagar District Central
Cooperative Bank Ltd.,
Puliyampatti Branch, Old Bus Stand Road,
Aruppukottai, Virudhunagar District.



6.The Branch Manager,
The Virudhunagar District Central
Cooperative Bank Ltd.,
Puliyampatti Branch, Old Bus Stand Road,
Aruppukottai, Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the sixth respondent's impugned order dated 11.10.2022 and quash the same as illegal and consequently direct the respondents to grant waiver of gold loan obtained by the petitioner in the fifth and sixth respondents bank vide Loan Account No.713711958 by considering the petitioner's representation dated 18.07.2022 in the light of G.O Ms.No.97, Cooperation Food and Consumer Protection (CC1) Department dated 01.11.2021 within the time limit fixed by this Court.

For Petitioner : Mr.M.Kaliraj

For Respondents : Mr.A.Sivanu Pandian,

Government Advocate for R1 to R5

Mr.D.Shanmugarajasethupathi for R6

ORDER

Heard the learned counsel on either side.

2.The petitioner had availed jewel loan from the fifth respondent bank. When the loan was availed, the pledged items weighed 40 gms. The Government of Tamil Nadu had issued loan waiver scheme. When the



petitioner applied for waiver, the respondents took the stand that the pledged items weighed above 40 gms and that therefore, the petitioner is not entitled to waiver. Challenging the stand taken by the respondents, the present writ petition has been filed.

3.The learned Government counsel for the bank wanted this Court to sustain the impugned order. The issue raised in this writ petition is no longer res integra. Vide order dated 24.08.2022 in WP(MD)No.13821 of 2022, I had held that the society cannot resile from the stand taken at the time of granting loan. The case on hand is absolutely similar. The impugned order is quashed. It is seen that the petitioner had already submitted a letter dated 24.10.2022 undertaking to remit the interest without prejudice to the outcome of this Writ Petition. Since I have held that the petitioner is entitled to the benefit of waiver, the respondents are obliged to refund the interest amount already paid by the petitioner. A learned Judge of this Court vide order dated 17.02.2020 in WP No.12522 of 2013 had held that if the petitioner is entitled for loan waiver under the relevant scheme, the amount paid by the borrower towards discharge of loan shall be refunded. While declaring that the petitioner is entitled to the benefit of waiver, the respondents are directed to refund the amount already paid by the petitioner.



4.The writ petition is allowed. No costs. Connected miscellaneous petitions are closed.

20.01.2023

Index : Yes / No
Internet : Yes/ No
skm

To

- 1.The Secretary to Cooperative Society,
Secretariat, Chennai.
- 2.The Registrar, Cooperative Societies, Chennai.
- 3.The District Collector, Virudhunagar District, Virudhunagar.
- 4.The Joint Registrar, Cooperative Societies, Virudhunagar – 626 002.
- 5.The Secretary, The Virudhunagar District Central
Cooperative Bank Ltd., Puliampatti Branch, Old Bus Stand Road,
Aruppukottai, Virudhunagar District.
- 6.The Branch Manager, The Virudhunagar District Central
Cooperative Bank Ltd., Puliampatti Branch, Old Bus Stand Road,
Aruppukottai, Virudhunagar District.



WEB COPY



G.R.SWAMINATHAN, J.

SKM

WP(MD)No.24411 of 2022
and
WMP(MD)Nos.18502 & 18503 of 2022

20.01.2023