



W.P(MD)No.28462 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28462 of 2022

and

W.M.P(MD)No.22469 of 2022

Kaleeswari

... Petitioner

Vs

- 1.The State represented by
The Secretary to Co-operative Society,
Secretariat,
Chennai.
- 2.The Registrar of Co-operative Societies,
Tamil Nadu Co-operative Societies,
Chennai – 600 010.
- 3.The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Theni Region,
Theni District.
- 4.The Secretary,
DD-107, Primary Agricultural Co-operative Credit Society,
Chillamarattupatti Post,
Bodinayakanur Taluk,
Theni District – 625 528.



W.P(MD)No.28462 of 2022

5. The President,

DD-107, Primary Agricultural Co-operative Credit Society,
Chillamaratthupatti Post,
Bodinayakanur Taluk,
Theni District – 625 528.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to waive the petitioner's (up to 40 grams) jewel loan No. 81969060059537, dated 24.12.2022 in the fourth respondent office as per the G.O (Ms) No. 97, dated 01.11.2021, consequently return same jewel to the petitioner based on the representation on 06.12.2021 and subsequently representation dated 09.12.2022, within stipulated time fixed may be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner had availed jewel loan. She now wants the benefit of waiver offered in the petition mentioned Government Order. The stand of the respondents is that when audit was conducted, the pledged items were found to be weigh more than 40 gms and that therefore the petitioner was not eligible as per the petition mentioned Government Order.



W.P(MD)No.28462 of 2022

3.I wanted to know the weight assessed by the Society when loan was granted. It is fairly stated that when loan was issued, the net weight was assessed as 40 gms. Having assessed the weight of the pledged items as 40 gms at the time of issuing the loan, the society cannot be allowed to change the said stand when considering the petitioner's request for waiver. Such a stand has taken by me vide order dated 01.09.2022 in W.P(MD)No.20683 of 2022 (*Mathan Vs The District Collector, Madurai & two others*). I had held that Society cannot be allowed to resile from the original stand and that it cannot take one stand at the time of granting loan and another stand while considering the request for waiver.

4.In this view of the matter, the respondents are directed to comply with G.O(Ms)No.97 dated 01.11.2021 in favour of the petitioner. The petitioner is declared as entitled to the benefit of the waiver. The respondent shall return the jewellery to the petitioner. If there are other formalities be complied with the same shall be adhered to. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



W.P(MD)No.28462 of 2022

To

1. The Secretary to Co-operative Society,
Secretariat,
Chennai.
2. The Registrar of Co-operative Societies,
Tamil Nadu Co-operative Societies,
Chennai – 600 010.
3. The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Theni Region,
Theni District.
4. The Secretary,
DD-107, Primary Agricultural Co-operative Credit Society,
Chillamaratthupatti Post,
Bodinayakanur Taluk,
Theni District – 625 528.
5. The President,
DD-107, Primary Agricultural Co-operative Credit Society,
Chillamaratthupatti Post,
Bodinayakanur Taluk,
Theni District – 625 528.



WEB COPY



W.P(MD)No.28462 of 2022

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.28462 of 2022
and
W.M.P(MD)No.22469 of 2022

12.01.2023