



W.P.(MD) No.20816 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.20816 of 2016

and

W.M.P.(MD) No.14865 of 2016

N.Naveen

.. Petitioner

Vs.

1.The Joint Registrar,
Co-operative Societies,
Theni Region,
Collectorate, Theni.

2.The Deputy Registrar,
Co-operative Societies,
Uthamapalayam, Theni District.

3.The President/Secretary,
M.D.Autonomous-190 Lakshminaickenpatti,
Primary Agricultural Co-operative Credit Society,
Lakshminaickenpatti, Uthamapalayam Taluk,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating with the order of the 1st respondent made in Na.Ka.No.



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2207/2016 Tho.va(13), dated 17.09.2016, conforming the order of the 2nd respondent, made in Na.Ka.No.1279/2016 Tho.va(1) dated 08.09.2016 and quash the same as it is arbitrary and illegal and in consequence to direct the respondents to extend the benefit of G.O.(Ms) No.50, Co operation, Food and Consumer Protection (CC1) Department, dated 23.05.2016 and Government Order in G.O.(Ms) No.59, Co-operation, Food and Consumer Protection (CC1) Department, dated 28.06.2016 to the petitioner and waive the loan amount under K.C.C. Loan No.411 on the file of the 3rd respondent.

For Petitioner : Mr.R.Suriya Narayanan
For R1 & R2 : Mr.R.Suresh Kumar
Additional Government Pleader
For R3 : Mr.T.S.Mohamed Mohideen

ORDER

This writ petition has been filed challenging a notice rejecting the appeal filed by the petitioner with regard to his non-inclusion of name in the beneficiaries, who were extended benefits of waiver of Crop Loan under G.O.(Ms) No.50, Co operation, Food and Consumer Protection (CC1) Department, dated 23.05.2016 and G.O.(Ms) No.59, Cooperation, Food and Consumer Protection (CC1) Department, dated 28.06.2016.



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2. The learned counsel for the petitioner would submit that the petitioner had availed loan by mortgaging his property in favour of the third respondent. However, under the impugned order, it has been held that the petitioner owns more than five acres of land and therefore, he would not be entitled for the benefit of waiver of the agricultural loan. He would submit that the petitioner owns only 4.96 acres of land.

3. On the contrary, the learned Additional Government Pleader by relying upon a proceedings initiated under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983, had contended that the petitioner owns nearly about 5.48 acres of land under various patta numbers issued by the Revenue Authorities.

4. The said statement had not been refuted by the learned counsel for the petitioner.

5. In view that the petitioner owns more than 5 acres of land, he is not entitled for the benefit of G.O.(Ms) No.50, Co operation, Food and



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Consumer Protection (CC1) Department, dated 23.05.2016 and G.O.(Ms)

No.59, Cooperation, Food and Consumer Protection (CC1) Department, dated 28.06.2016 and therefore, no interference is required to be made in the impugned order and accordingly, this Writ Petition stands dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Joint Registrar,
Co-operative Societies,
Theni Region,
Collectorate, Theni.

2.The Deputy Registrar,
Co-operative Societies,
Uthamapalayam, Theni District.



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K.KUMARESH BABU, J.

abr

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