



W.P.(MD) No.21364 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.21364 of 2017

and

W.M.P.(MD)No.17654 of 2017

M.Geetha

... Petitioner

Vs.

1.The Disputes Officer,
The Deputy Registrar of
Co-Operative Societies,
Palani, Dindigul District.

2.The Branch Manager,
No.A.1471 Kodaikanal
Co-Operative Urban Bank,
Kodaikanal.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to permit the petitioner to repay the Interest Free Loan for Persons with Disability availed at No.A.1471, Kodaikanal Co-operative Urban Bank in equitable monthly instalments within the original 10 years loan repayment period without any interest deduction towards the interest-free Housing loans by complying with the spirit of G.O.(D).No.61 of the Co-operation Food and Consumer Protection (CC1) Department, dated 22.03.2012.



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For Petitioner : Mr.Mahaboob Fazil
for M/s.Lajapathi Roy & Associates

For R1 : No Appearance

For R2 : Mr.R.Thirugnanasambandam
Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to permit the petitioner to repay the Interest Free Loan for Persons with Disability availed at No.A.1471, Kodaikanal Co-operative Urban Bank in equitable monthly installments within the original 10 years loan repayment period without any interest deduction towards the interest-free Housing loans by complying with the spirit of G.O.(D).No.61 of the Co-operation Food and Consumer Protection (CC1) Department, dated 22.03.2012.

2. It is the case of the petitioner that the petitioner has applied for a loan on 10.08.2012 for a sum of Rs.5,00,000/-. It is submitted that the petitioner being a differently abled person is entitled to the benefit of G.O. (D) No.61, Cooperation, Food and Consumer Protection (CC1) Department, dated 22.03.2012. It is submitted that instead, the petitioner



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was sanctioned loan repayable along with interest at 6% per annum. It is submitted that when the petitioner approached the respondents, the respondents had declined to waive the interest as the above Notification had come to an end. Today, when the case is taken up for hearing, the learned counsel for the petitioner has produced a copy of the following G.Os.:-

- i. G.O.(D) No.66, Cooperation, Food and Consumer Protection (CC1) Department, dated 26.03.2013.
- ii. G.O.(D) No.35, Cooperation, Food and Consumer Protection (CC1) Department, dated 21.02.2014.
- iii. G.O.(D) No.104, Cooperation, Food and Consumer Protection (CC1) Department, dated 26.03.2015.

3. On the other hand, the learned counsel for the second respondent would submit that after the loan was sanctioned, the petitioner was servicing the loan. It is submitted that the aforesaid benefit of interest free/waiver of interest applicable to those differently abled persons is only for their employment and not for construction of their house. It is submitted that even otherwise, the benefit of waiver of interest is not available to the petitioner.



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4. That apart, it is submitted that the account of the petitioner had become Non-Performing Assets (NPA) only in the year 2014 and thereafter, the petitioner has approached the respondents for waiver of interest and therefore, it cannot be considered.

5. Having considered the submissions made by the learned counsel for the petitioner and the learned counsel for the second respondent, I am of the view that petitioner's grievance can be redressed by the respondents by considering the petitioner's representation dated 30.10.2017 in the light of the above-mentioned G.Os. G.O.(D) No.61, Cooperation, Food and Consumer Protection (CC1) Department, dated 22.03.2012 as it does not *prima facie* restrict the benefit only for supporting avocation of the differently abled persons. It merely supports the interest of the differently abled persons by giving them the interest free loan.

6. Under these circumstances, I direct the second respondent to consider the petitioner's representation dated 30.10.2017 and dispose of the same on merits, within a period of 6 weeks from the date of receipt of a copy of this order.



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WEB COPY 7. Accordingly, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index: Yes / No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

Copy To:

- 1.The Disputes Officer,
The Deputy Registrar of Co-Operative Societies,
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Dindigul District.
- 2.The Branch Manager,
No.A.1471 Kodaikanal Co-Operative Urban Bank,
Kodaikanal.



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C.SARAVANAN, J.

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