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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.39753 of 2024
and W.M.P.No.43046 of 2024

P.Duraisamy

.. Petitioner

Vs.

1.State of Tamil Nadu

Rep. by its Additional Chief Secretary,
Co-operation, Food and Consumer Protection Department,
Chief Secretariat, Fort St. George,
Chennai 600 009.

2.The Registrar of Co-operative Societies,

No.170, NV Natarajan Maaligai,
Periyar EVR – Poonamallee High Road,
Kilpauk, Chennai 600 010.

3.The Joint Registrar of Co-operative Societies,

Namakkal Region,
District Government Office Additional Building,
District Collectorate Campus,
Namakkal 637 003.

4.The Deputy Registrar of Co-operative Societies,

Namakkal Circle,
District Government Office Additional Building,
District Collectorate Campus,
Namakkal 637 003.



5. The Special Officer,

Kurukkapuram Primary Agricultural Cooperative Credit Society (S.1141)

Kurukkapuram Post,

Rasipuram Taluk,

Namakkal District 637 401.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records about the impugned orders vide Na.ka.1248/ 2022 / Kika dated 25.07.2022 and Na.ka.5418/ 2023 /AaPa (1) dated 29.08.2024 passed by the 4th Respondent read with the communication dated 13.11.2024 issued by the 5th Respondent Cooperative Society and quash the same and direct the Respondents to waive the interest to the Gold Jewel Loan availed by the Petitioner vide Loan No.73509065008133 dated 18.08.2020 from Kurukkapuram Primary Agricultural Cooperative Credit Society (S.1141) as per the guidelines for the Gold Jewel Loan Waiver Scheme, 2021, issued by the 1st Respondent vide G.O.(P)No.97, Cooperation, Food and Consumer Protection (CC-1) department, dated 01.11.2021 and release the pledged gold Jewel, viz.Thaliudan Thalikodi -1, Weighing 30.400 gms to the petitioner, within the time frame as stipulated by this Court.

For Petitioner

.. Mr.A.Suresh Sakthi Murugan

For Respondents

.. Mrs.M.Geetha Thamarai
Special Government Pleader

**ORDER**

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This writ petition has been filed in the nature of a certiorarified mandamus seeking records of the order of the 4th respondent, Deputy Registrar of the Co-operative Societies, Namakkal, dated 25.07.2022 and 29.08.2024 read with communication dated 13.11.2024 issued by the 5th respondent Kurukkapuram Primary Agricultural Cooperative Credit Society and quash the same.

2.The petitioner seeks waiver of interest to the gold jewel loan availed by the petitioner in Loan No.73509065008133 dated 18.08.2020 from the 5th respondent in accordance with the Gold Jewel Loan Waiver Scheme, 2021 issued by the 1st respondent in G.O(P).No.97, Co-operation, Food and Consumer Protection (CC-1) Department, dated 01.11.2021. The petitioner further seeks release of the gold jewels measuring 30.400 gms to the petitioner.

3.In the affidavit filed in support of the writ petition, it had been stated that the petitioner is a member of the 5th respondent Co-operative Society. He had pledged his wife's gold jewel weighing 30.400 gms in Jewel Loan No.73509065008133 with the 5th respondent Co-operative Society for a sum of Rs.60,000/- The jewel loan had not been repaid as on 31.03.2021. The crucial dates



therefore are 31.03.2021 when the petitioner had not repaid the jewel loan and 02.07.2024, when one of the sons of the petitioner had married the Government servant viz., a Village Administrative Officer. On 01.11.2021, the Government had issued G.O(P).No.97, Co-operation, Food and Consumer Protection (CC-1) Department, wherein, they introduced a scheme for waiver of existing gold loan by those who had pledged five sovereigns and less of gold with Co-operative Societies and had not repaid the amount. The cut off date under the said Government Order was 31.03.2021. The guidelines had also been subsequently issued to determine who are eligible for the waiver scheme and those who are not eligible for the waiver scheme. Those who had repaid the loan amount on or before 31.03.2021, are not eligible for the waiver scheme. Similarly, those families where a member of family is a Government servant were also not eligible for waiver under the Waiver Scheme.

4.The learned standing counsel for the respondent pointed out that the son of the petitioner had married an Village Administrative Officer on 02.07.2021 and therefore, as on 01.11.2021 in the family of the petitioner there was a Government Servant and therefore, the petitioner's family was not eligible to seek waiver of the loan. It is also pointed out that the loan had not been repaid by the petitioner as on 31.03.2021.



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5. The Waiver Scheme can be applied only to who have not repaid the amount as on 31.03.2021. The further condition is that the quantity of gold pledged should be less than five sovereigns. In the instant case, the petitioner had pledged 30.400 gms which is less than 5 sovereigns of gold with the 5th respondent Society and had received a loan of Rs.60,000/- It is an admitted fact he had not repaid the loan as on 31.03.2021. Therefore, the primary conditions are satisfied by the petitioner.

6. One fact which is urged on behalf of the respondents is that the son of the petitioner had married on 02.07.2021 an Village Administrative Officer and therefore, on the date of issuance of the Government Order, since one of the members of the petitioner family is a Government servant, the petitioner is not eligible to seek waiver. But this would run contrary to the cut off date which had been determined as 31.03.2021. It is urged by the learned Standing Counsel that the cut off date that would only apply to the repayment or non-repayment of the loan on or before 31.03.2021. It was also urged that owing to the fact of marriage subsequent to 31.03.2021 and before 01.11.2021 and that by that marriage, a Government Servant had entered into the family, the said family would not be entitled for waiver. But however that had not been specifically stated in the



Government Order. In the guidelines given, it had only been stated that those families wherein a Government Servant is a member would not be entitled to seek waiver. It is not provided for a situation that between the 31.03.2021 and 01.11.2021 if by marriage or otherwise, a member of the family becomes a Government Servant then they would stand disqualified to seek waiver. The only aspect to be considered is whether as on 31.03.2021, the petitioner was eligible for waiver or not eligible for waiver. As on 31.03.2021, no member of the petitioner family was a Government servant. The quantity of gold pledged was 30.400 gms., which is less than five sovereigns. The amount of loan obtained was Rs.60,000/- and the same has not been repaid. As on that date, the petitioner stood eligible to seek waiver. The incident of marriage cannot put against the family of the petitioner herein.

7.I hold that the impugned order would necessarily have to be set aside and the petitioner should be declared as eligible for waiver under G.O(P).No.97, Co-operation, Food and Consumer Protection (CC-1) Department dated 01.11.2021. The impugned order is set aside. The respondents are directed to examine the matter afresh and pass fresh orders on or before 31.03.2025, in accordance with the direction of this Court.



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8. This writ petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

10.01.2025

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary,
State of Tamil Nadu
Co-operation, Food and Consumer Protection Department,
Chief Secretariat, Fort St. George,
Chennai 600 009.
2. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR – Poonamallee High Road,
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3. The Joint Registrar of Co-operative Societies,
Namakkal Region,
District Government Office Additional Building,
District Collectorate Campus,
Namakkal 637 003.



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C.V.KARTHIKEYAN,J.

SSR

- 4.The Deputy Registrar of Co-operative Societies,
Namakkal Circle,
District Government Office Additional Building,
District Collectorate Campus,
Namakkal 637 003.
- 5.The Special Officer,
Kurukkapuram Primary Agricultural Cooperative Credit Society (S.1141)
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