



W.P.(MD)No.4734 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

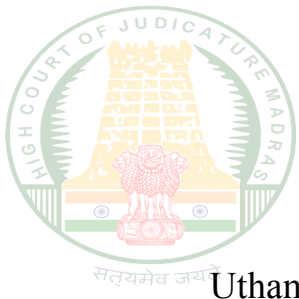
W.P.(MD)No.4734 of 2025

Rajangam

: Petitioner

Vs.

1. The Additional Chief Secretary,
Ministry of Co-Operative Societies,
Head Office, Fort St. George,
Chennai - 9.
2. The Joint Registrar (Co-Operative Societies),
Government Multi Annexure Building,
1st Floor, I Block,
Theni.
3. The Registrar (Co-Operative Society),
NVN Natarajan Malligai,
170, Evr Periyar Salai,
Kilpauk, Chennai - 10.
4. The District Collector,
The District Collector Office,
Theni.
5. The Secretary,
Mp 80, Gopalnayakanpatti Primary
Agricultural Co-Operative Society,
Sukangalpatti,



W.P.(MD)No.4734 of 2025

Uthamapalayam Taluk,
Theni.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to waive the loan in accordance with G.O. No.97/2021 issued by the Government of Tamil Nadu and to return the gold articles weighing 34 grams pledged under Loan Account No.81843060008066.

For Petitioner : Mr. R.Manoharan

For Respondents : Mr.J.K.Jeyaseelan

Government Advocate

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the first respondent to waive the loan in accordance with G.O. No.97/2021 issued by the Government of Tamil Nadu and to return the gold articles, weighing 34 grams pledged under Loan Account No.81843060008066.

2. Heard the learned counsel for the petitioner and Mr.J.K.Jeyaseelan, learned Standing Counsel, who accepts notice on behalf of the respondents. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

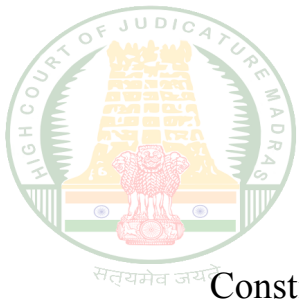


W.P.(MD)No.4734 of 2025

WEB COPY

3. The petitioner, an agriculturist, pledged 34 grams of gold with the fifth respondent Society for a loan of Rs.88,450/- on 11.03.2020. Under G.O.No.97/2021, the Tamil Nadu Government waived loans for gold below 5 sovereigns, which the petitioner is eligible for. Despite repeated requests, the fifth respondent Society delayed the waiver and return of the gold. The petitioner discovered that the fifth respondent fraudulently pledged the gold with a private bank, resulting in an FIR (No.9 of 2022). In this regard, he submitted a representation to the second respondent on 02.01.2025, requesting to return the gold articles. However, since there is no response or corrective action was taken by the second respondent, the petitioner has been compelled to file the present writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the



W.P.(MD)No.4734 of 2025

WEB COPY

Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 02.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

21.02.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.4734 of 2025

WEB COPY

To

1. The Additional Chief Secretary,
Ministry of Co-Operative Societies,
Head Office, Fort St. George,
Chennai - 9.
2. The Joint Registrar (Co-Operative Societies),
Government Multi Annexure Building,
1st Floor, I Block,
Theni.
3. The Registrar (Co-Operative Society),
NVN Natarajan Malligai,
170, Evr Periyar Salai,
Kilpauk, Chennai - 10.
4. The District Collector,
The District Collector Office,
Theni.



WEB COPY



W.P.(MD)No.4734 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.4734 of 2025

21.02.2025