



W.P.(MD) No.19228 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.19228 of 2017

and

W.M.P(MD)Nos.15584 to 15586 of 2017

P.Kavitha

.. Petitioner

Vs.

1.The Deputy Registrar of Co-operative Societies,
Co-operative Societies,
Palani, Dindigul District.

2.D.D.516 Melkaraipatti Primary
Agricultural Co-operative Credit Society,
Rep. by its Secretary,
Melkaraipatti -624 617,
Palani Taluk, Dindiguk District.

3.Amaravathi Co-Operative Sugar Mills,
Rep. by its Secretary,
Krishnapuram Post,
Madathukulam Taluk,
Tiruppur District.

.. Respondents

(R1 is amended vide Court order, dated 19.02.2024 in W.M.P(MD)No. 2294/2024)



W.P.(MD) No.19228 of 2017

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to quash the Impugned Orders of the 1st respondent in Na.Ka.3979/2016/புவி dated 13.01.2017 and the consequential order in Na.Ka.1637/2017/புவி dated 08.07.2017 and direct the 2nd respondent to disburse the amount credited by the 3rd respondent in the Petitioner Savings account in the 2nd respondent's Society on account of the sugarcane cultivated by the Petitioner and harvested by the 3rd respondent and grant waiver of crop loan.

For Petitioner : Mr.M.Kannan
For R1 : Mr.A.Kannan
Additional Government Pleader
For R2 : Mr.R.R.Kannan
For R3 : Mr.A.K.Baskara Pandian

ORDER

This writ petition is filed for the following relief:

“to quash the Impugned Orders of the 1st respondent in Na.Ka.3979/2016/புவி dated 13.01.2017 and the consequential order in Na.Ka.1637/2017/புவி dated 08.07.2017 and direct the 2nd respondent to disburse the amount credited by the 3rd



W.P.(MD) No.19228 of 2017

WEB COPY

respondent in the Petitioner Savings account in the 2nd respondent's Society on account of the sugarcane cultivated by the Petitioner and harvested by the 3rd respondent and grant waiver of crop loan.”

2. The petitioner is a widow. She was owning a property to an extent of 4.50 acres in patta No.1287 at Melakaraipatti Village, Palani Taluk, Dindigul District. Out of this property, the petitioner is doing cultivation in 2.10 acres. In the year 2016, she has availed a crop loan from the 2nd respondent Society for a sum of Rs.64,000/-. The Government has announced a waiver of crop loan under the Small and Tiny Farmers Agricultural Loan and Farms related Long Term Loan Scheme in the year 2016. The writ petitioner was also shown as one of the beneficiaries under that scheme by the second respondent Society in the list published on 31.03.2016.

3. In the meanwhile, the petitioner has received a communication from the 2nd respondent Society, dated 01.12.2016 stating that an amount of Rs.64,500/- has been received in the savings bank account on



W.P.(MD) No.19228 of 2017

WEB COPY

15.11.2016 and if the said amount was adjusted towards the loan amount, the petitioner would be entitled to receive 7.5% interest subsidy provided by the Government. In this regard, the petitioner had made a representation to the District Collector, Dindigul on 05.07.2016 which was forwarded to the 1st respondent for enquiry. Aggrieved by the inaction on the side of the official respondents, the petitioner has made another representation to the respondents on 20.02.2017. Thereafter, the 1st respondent has passed the impugned order stating that in view the objection raised by one Chellamuthu S/o. Kuppana Gounder that the petitioner is having 13 acres and therefore, she is not eligible to have the benefit of waiver scheme. Consequential order, dated 08.07.2017 has been passed by the 1st respondent stating that since an amount of Rs. 64,500/- has been received from the 3rd respondent society and the same has been adjusted towards crop loan, the petitioner is entitled to an amount of Rs.71,515/- which was received from the 3rd respondent on 10.04.2017. Challenging the same, the petitioner has filed this petition.

4. Heard the learned counsels on either side.



W.P.(MD) No.19228 of 2017

WEB COPY

5. The petitioner would make a claim on the basis of a waiver of crop loan scheme given by the 3rd respondent and the petitioner would seek a similar concession.

6. The learned counsel for the respondents would submit that in a case where the claim was made under Provisions of G.O.Ms.No.50, Cooperation, Food and Consumer Protection Department, dated 23.05.2016 and the aforesaid Government Order was the subject matter before the Hon'ble Division Bench of this Court, this Court has held that the grant of loan waivers only to small and marginal farmers, should be extended to all farmers irrespective of the extent of their land holding. The same was challenged by the State before the Hon'ble Supreme Court and the Hon'ble Supreme Court has held as follows:

“33. The Scheme in issue was introduced in pursuance of an electoral promise made by the then party in power in Tamil Nadu. The High Court seems to have been of the view that because the scheme was in pursuance of an electoral promise, it is constitutionally suspect. This view was made on an assumption that no study must have been conducted before the electoral promise was made. It is settled law that a



W.P.(MD) No.19228 of 2017

WEB COPY

scheme cannot be held to be constitutionally suspect merely because it was based on an electoral promise. A scheme can be held suspect only within the contours of the Constitution, irrespective of the intent with which the scheme was introduced. The scheme propounded by the State of Tamil Nadu passes muster against the constitutional challenge. The High Court has erred in holding otherwise. During the pendency of the proceedings the State has granted a broader coverage, based on its assessment of the situation.”

7. Therefore, the Hon'le Supreme Court had categorically stated that the waiver cannot be made applicable to all persons and it is prerogative of the State and the Court cannot issue such directions. The petitioner is now seeking such direction from the Court. In the light of the above judgment, the request cannot be acceded to. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.09.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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W.P.(MD) No.19228 of 2017

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To

The Deputy Registrar of Co-operative Societies,
Co-operative Societies,
Palani, Dindigul District.



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W.P.(MD) No.19228 of 2017

P.T.ASHA, J.

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W.P.(MD) No.19228 of 2017

10.09.2025