

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.29071 of 2014 &
M.P.Nos. 1 & 2 of 2014

M/s.Koghima Garments
rep. By its Proprietor Mr.R.K.Rajkumar .. Petitioner

Vs.

1.The Secretary to Government
Department of Industries & Commerce
rep. By its Zonal Joint Director
Zonal Office, T.V.K.Estate,Guindy
Chennai 600 032.

2.The State Bank of Hyderabad
rep. By its Branch Manager
56/12, S.R.P.Koil Street
Opposite to Bus Depot
T.V.K.Nagar, Chennai 600 082. .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents particularly the second respondent to consider the representation of the petitioner dated 28.06.2014 and followed by reminders dated 22.09.2014, by fully complying with the MSME Scheme.

For Petitioner :Mr.P.K.Rajkumar petitioner in person

For Respondents : Mr.S.Gunasekaran -R1
Government Advocate
Mr.K.N.Chinnakrishnan - R2

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O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.The petitioner P.K.Rajkumar along with his father G.R.Karunanithi, are present in Court and they have made their submissions and also the submissions of Mr.K.N.Chinnakrishnan, learned counsel appearing for the second respondent.

3.The dispute between the petitioner and the second respondent is with regard to a loan last transaction. The preliminary objection raised by the second respondent by filing a counter affidavit, stating that the petitioner is guilty of pursuing parallel remedy. The learned counsel submitted that the petitioner has already filed a Suit before the City Civil Court in O.S.No.225 of 2015 and the matter is now pending and posted for hearing on 19.02.2015, for counter by the Bank and parallely he is proceeding before this Court by filing a Writ Petition. The learned counsel further submitted that not even a single payment has been made by the petitioner after the loan has been sanctioned in February, 2013.

4.The petitioner who is present in Court along with his father would state that though the loan was granted and they have purchased the machinery which includes sewing machine, embroidery machine, etc. and due to failure to sanction working capital, the petitioner is unable to make use of the machines and the machineries are lying idle.

5.Though there may be differences and disputes between the petitioner and the second respondent Bank, this Court is of the view that both the parties should mediate on the issue and arrive at an amicable solution, failing which the petitioner will become a defaulter thereby compelling the respondent Bank to initiate proceedings for recovery of the loan.

6.Accordingly, the Writ Petition is disposed of by directing the petitioner to appear before the second respondent along with the copy of this order and express all his grievances. The second respondent being uninfluenced by the act of the petitioner that is he has dragged the Bank into litigation, shall adopt a pragmatic approach to the matter and work out a solution to the problem. The petitioner along with his father who are present before this Court are agreeable to withdraw the Suit before the City Civil Court and they should also approach the respondent Bank with an open mind, requesting them to extend all support to enable them to start production.

With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

rpa

To

- 1.The Secretary to Government
Department of Industries & Commerce
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2 ccs to Mr.T.S. Rajamohan, Advocat, sr. 7961
1 cc to Mr.K.N. Chinnakrishnan, Advoct, sr. 7616
1 cc to Government Pleader, sr. 7549

W.P. No. 29071 of 2014

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