

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. No.11526 of 2016

S. Duraikannu

.. Petitioner

Versus

1. The State represented by its
Secretary to Government
Adi Dravidar Welfare Department
Secretariat, Fort St. George
Chennai - 600 009
2. The Managing Director
Tamil Nadu Adi Dravidar Housing and
Development Corporation Limited
at Tamil Nadu Housing Board
No.31, Cenotaph Road, 2nd Line
Teynampet, Chennai - 600 018
3. The District Manager
Tamil Nadu Adi Dravidar Housing and
Development Corporation Limited
Cuddalore - 607 001

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.12.2015 within stipulated time that may be fixed by this Court.

For Petitioner : Mr. M. Murugabharathi

For Respondents: Mr. P. V. Jayaprakash Narayanan
Additional Government Pleader

ORDER

The petitioner seeks for issuance of a Mandamus to direct the respondents to consider the representation dated 16.12.2015 submitted by him within a prescribed time limit to be fixed by this Court.

2. It is seen from the records that the petitioner has submitted an application to the Managing Director, Tamil Nadu Adi Dravidar Housing and Development Corporation Limited on 18.08.2000 and 08.08.2004 seeking to avail the benefit of a scheme mooted by N.S.F.D.C., New Delhi whereby loan was sanctioned for purchase of lorry by giving subsidy. Such loan

was to be disbursed by the second respondent herein. As a condition precedent for sanctioning the loan amount, the individual applicants were directed to deposit a sum of Rs.1,28,314 towards contribution of the applicant as well as security deposit. Out of this amount of Rs.1,28,314/- a sum of Rs.91,800/- was remitted by the petitioner through Postal Savings Bond. Admittedly, the petitioner has deposited the said amount, however, the loan amount was not sanctioned to him as N.S.F.D.C. New Delhi has ordered for disbursement of loan amount only to 10 applicants under the scheme. In this connection, the petitioner has filed a writ petition before this Court in WP No. 21882 of 2005 praying for issuance of a Mandamus to consider his application under the scheme for purchase of transport vehicle. This Court, by order dated 05.07.2005, directed the respondents herein to consider the application of the petitioner and dispose it of on merits. Subsequently, the second respondent has passed an order dated 22.12.2008 stating that due to non-payment of due amount by various other applicants under the scheme, N.S.F.D.C. New Delhi has dropped the scheme and therefore, the petitioner was directed to approach the third respondent for getting the refund of the amount deposited by him. According to the petitioner, even though he has approached the third respondent in person and also by sending representations, the amount deposited by him has not been refunded. In this context, the petitioner has also given a representation dated 16.12.2015 seeking to refund the amount remitted by him, but so far no order has been passed thereon by the respondents. Therefore, the petitioner has filed this writ petition for the relief as stated above.

3. Having regard to the nature of relief sought for by the petitioner, without expressing any opinion on merits, the third respondent is directed to consider the representation dated 16.12.2015 of the petitioner, afford an opportunity of hearing to the petitioner and then pass appropriate orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rsh
To

1. The Secretary to Government
Adi Dravidar Welfare Department
Secretariat, Fort St. George
Chennai - 600 009

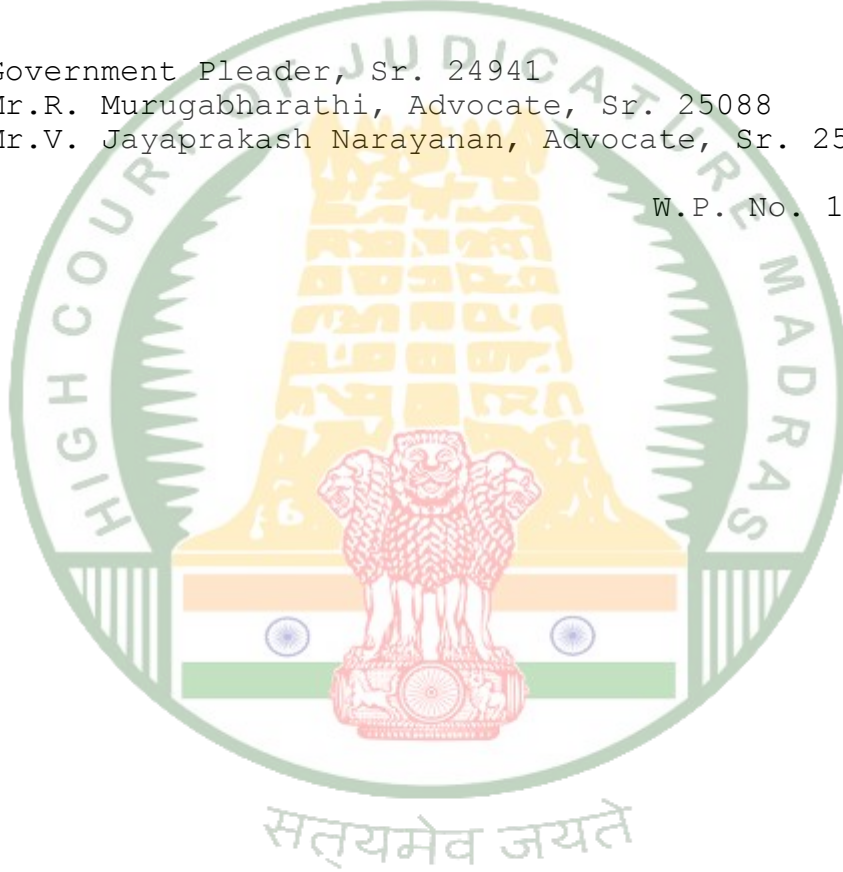
2. The Managing Director
Tamil Nadu Adi Dravidar Housing and
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at Tamil Nadu Housing Board
No.31, Cenotaph Road, 2nd Line
Teynampet, Chennai - 600 018

3. The District Manager
Tamil Nadu Adi Dravidar Housing and
Development Corporation Limited
Cuddalore - 607 001

1 cc to Government Pleader, Sr. 24941
1 cc to Mr.R. Murugabharathi, Advocate, Sr. 25088
1 cc to Mr.V. Jayaprakash Narayanan, Advocate, Sr. 25199

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