

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.8326 of 2013

and

M.P.No.1 of 2013

Gnanambika Rice Mill,
rep by its Proprietor
Rajendra Kumar,
277, North Street,
Kannarpettai,
Vazhisodhanaipalayam,
Cuddalore-607 003.

... Petitioner

Vs.

- 1.The District Collector,
Cuddalore District.
- 2.The General Manager,
District Industries Centre,
Semmandalam,
Cuddalore-607 001.
- 3.The Manager,
State Bank of India,
RASEMECC,
208, Anna Salai,
Vignesh Complex,
Pondicherry-605 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents, more particularly, the second respondent, to disburse the grant of Rs.4,55,000/- to the petitioner, which was originally granted by the Government, for Thane Cyclone Relief Fund, for affected persons.

For Petitioner : No appearance

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.
for R-1
Mr.T.Ramasamy for R-3
No appearance for R-2
- - - -

ORDER

There is no representation on behalf of the petitioner. Heard the learned counsels appearing on behalf of the respondents 1 and 3

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents, in particular, the second respondent, to disburse the amount of Rs.4,55,000/-, granted by the Government of Tamil Nadu, as Thane Cyclone Relief Fund, to the petitioner and to pass the other necessary orders.

3 It has been stated that the petitioner is Gnanambika Rice Mill, represented by its Proprietor Rajendrakumar. It has been further stated that the petitioner is running the said business, for over 25 years. While so, due to Thane Cyclone, during the month of December, 2011, serious damage had been caused to the rice mill. Therefore, the Government of Tamil Nadu had granted the relief to the severely affected persons, including the Proprietor of the petitioner rice mill. The State Government had granted a sum of Rs.4,55,000/- and the said amount had been credited with the State Bank of India, the third respondent herein, bearing Account No.30178665685. It has been further stated that the third respondent had adjusted the amount of Rs.4,55,000/-, granted by the State Government to the petitioner, to the outstanding dues payable by the petitioner, relating to the said loan account, arbitrarily. In such circumstances, the petitioner has preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

4 A counter affidavit has been filed on behalf of the third respondent Bank, stating that an amount of Rs.4,55,000/- granted to the petitioner, as Thane Cyclone Relief Fund, by the Government of Tamil Nadu, had been adjusted to the outstanding dues payable by the petitioner, relating to the loan account No.30178665685, based on the letter given by the petitioner, dated 12.11.2012. The translated version of the said letter reads as follows :

"I am likely to get Thane Cyclone Relief from the Government of Tamil Nadu. NOC is required for that purpose. I request you to credit the Thane Cyclone Relief Amount to be received through the NOC to my Loan Account (30178665685) and reduce my liability to that extent. I promise to pay the balance amount. As per my aforesaid request, I request you to do the needful by forwarding the NOC to DIC."

5 In the given facts and circumstances of the case and in view of the submissions made by the learned counsels appearing on behalf of the parties concerned, this Court finds that the relief prayed for by the petitioner, in the present writ petition, cannot be granted. It is clear that the amount of Rs.4,55,000/-, granted to the petitioner, as Thane Cyclone Relief Fund, by the Government of Tamil Nadu, had been adjusted to the outstanding dues, relating to the loan account No.30178665685, based on the letter submitted by the petitioner, dated 12.11.2012. Hence, there is no cause of action for the petitioner to claim that the third respondent had adjusted the Thane Cyclone Relief amount granted to the petitioner, to the outstanding dues of the petitioner, relating to the loan account No. 30178665685, arbitrarily. The writ petition filed by the petitioner is devoid of merits. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Cuddalore District.

2.The General Manager,
District Industries Centre,
Semmandalam,
Cuddalore-607 001.

3.The Manager,
State Bank of India, सत्यमेव जयते
RASEMECC,
208, Anna Salai,
Vignesh Complex,
Pondicherry-605 001.

+1 cc to Mr.T.Ramasamy,advocate,sr.53698.

trm(co)
krd 26/9

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