

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4987 of 2016

K.Muthu

.. Petitioner

Vs.

The Government of Tamilnadu
Rep. by its Secretary Department of Micro
Small and Medium Enterprises
Secretariat, Fort St.George,
Chennai-9.

2.The General Manager
District Industries Centre
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the second respondent to consider and pass orders on the petitioner's representation dated 06.08.2015 for waiving penal interest for the loan availed by him in view of G.O.Ms.No.17 dated 24.02.2015 passed by the first respondent.

For Petitioner : M/s.A.Nagarathinam

For respondents : Mr.P.Karthikeyan,
Government Advocate

सत्यमेव जयते
O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the second respondent to consider the petitioner's representation dated 06.08.2015 for waiving penal interest for the loan availed by him in view of G.O.Ms.No.17 dated 24.02.2015 passed by the first respondent.

3.The case of the petitioner is that he availed loan of Rs.25,000/- on 07.08.1986 under the Rural Industries Project

loan scheme, for which the petitioner mortgaged his property situated at No.7/90, Pillayar Koil Street, Pappireddipatti Post, Dharmapuri District. The petitioner was issued with recovery notice dated 21.04.1995 along with interest and penal interest and another notice dated 08.06.2007 mentioning the dues as loan amount Rs.25,000/-, interest amount Rs.2,744/- and penal interest amount Rs.42,369/- and stated in the notice that if the entire loan amount is paid with interest, the second respondent would recommend the Government to waive the penal interest. The petitioner issued legal notice to the respondents to waive the interest and release the original documents, in reply, the second respondent in his letter dated 21.07.2010 stated that only after receiving the order to waive the penal interest from the Government, the original documents will be released.

4.Earlier, the petitioner filed WP.No.21632 of 2011, this Court in its order dated 21.09.2011 directed the Secretary to Department of Industries to consider and pass orders on the representation dated 25.08.2011 within a period of twelve weeks. In compliance, to the order of this Court, the first respondent sent a letter dated 16.02.2012 to the petitioner stating that a consolidated proposal for waiver of penal interest for the loan availed under SAI, RIP and MMA Schemes is under consideration of the Government, when the final orders are passed, the request of the individual will be considered.

5.Thereafter, the first respondent issued a GO.No.17 dated 24.02.2015 waiving the penal interest by the entrepreneurs who availed loans and who repaid the principal and interest within six months from the date of issuance of the GO. Following the said GO, the petitioner made a representation dated 06.08.2015 to waive the penal interest and for releasing the original documents. Since, the request of the petitioner was not considered and having no other alternative remedy, the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondent.

7.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the second respondent to consider the representation of the petitioner dated 06.08.2015 and pass orders on merits and in accordance with law and in the light of GO.(D).No.17 dated 24.02.2015 within a period of four weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

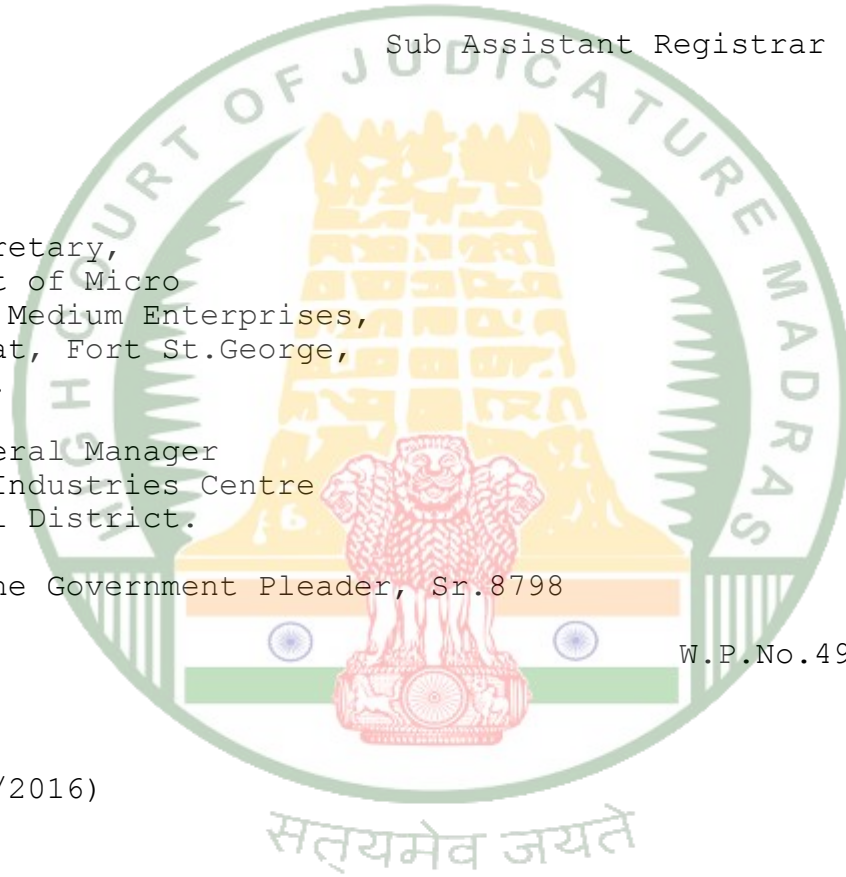
1.The Secretary,
Department of Micro
Small and Medium Enterprises,
Secretariat, Fort St.George,
Chennai-9.

2.The General Manager
District Industries Centre
Dharmapuri District.

+1cc to The Government Pleader, Sr.8798

W.P.No.4987 of 2016.

vd(CO)
srg(24/02/2016)



WEB COPY