



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR. JUSTICE NOOTY. RAMAMOHANA RAO

W.A. (MD) No. 943 of 2016

and

C.M.P (MD) No. 5662 of 2016

N. Govindaraj

: Appellant/Petitioner

Vs.

1. The Tribunal/Director,
The Government of India,
Ministry of Micro, Small, Medium
Enterprises,
Udyog Bhavan,
New Delhi - 110 011.

2. The Director,
Khadi and Village Industries Commission,
No. 10, Bye Pass Road,
Madurai - 10.

3. The District Collector,
Tirunelveli District,
Tirunelveli.

: Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 12.04.2016 made in W.P. (MD) No. 7052 of 2016 on the file of this Court.

Prayer in WP (MD) No. 7052/2016 :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the 1st respondent in his dated 26.05.2015 and quash the same.

For Appellant : Mr. V. Perumal

For Respondents : Mr. A. K. Baskarapandian,
Special Government Pleader for R. 2 & R. 3

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble The Chief Justice]

The appellant, having availed of financial facility, for starting either small or medium enterprise from Khadi and Village Industries Commission, for a period of ten years, has not even started his unit. The findings of the Tribunal, in its order dated 26.05.2015, show that it is only on inspection, clear picture emerged. Even the electricity connection was not energized. Capital Expenditure Loan of Rs. 2.691



Lakhs and Marginal Money of Rs.2.115 Lakhs, totalling Rs.4.806 lakhs was sanctioned on 03.04.1997, vide sanction order dated 18.12.1997. It was, thus, found that the principal and interest as per the rules and regulations of such lending would be applicable to the case.

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2. The learned Single Judge, while noticing the above facts, has dismissed the writ petition filed assailing the elaborate and well-reasoned order of the Tribunal.

3. We have perused both the order of the Tribunal as well as the impugned order. Since the reasoning is contained in the order of the Tribunal, we find no error in the order, dated 26.05.2015, though we do not agree with the rationale given by the learned Single Judge that the appellant is disentitled on the ground of delay and laches.

4. The writ appeal stands dismissed. Consequently, the connected civil miscellaneous petition is dismissed. No costs.

Sd/

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Tribunal/Director,
The Government of India,
Ministry of Micro, Small, Medium
Enterprises,
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New Delhi - 110 011.

2.The Director,
Khadi and Village Industries Commission,
No.10, Bye Pass Road,
Madurai - 10.

3.The District Collector,
Tirunelvi District,
Tirunelveli.

+1cc to M/S.V.Perumal, Advocate in SR.No.29559

+1cc to Special Government Pleader in SR.No.29790

JUDGMENT MADE IN
W.A. (MD) No.943 of 2016
and
C.M.P (MD) No.5662 of 2016
10.06.2016

rsb/nb

PA/AAL-MPA/24.06.2016/2P/6C