BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.21099 of 2016

Subburaj ... Petitioner

Vs.

1.The District Manager,
Tamil Nadu Adi Dravidar Housing and
Development Corporation,
(TAHDCO)
Virudhunagar,
Virudhunagar District.

2.The Branch Manager,
Pandian Grama Bank,
Nenmeni, Irukkankudi,
Sattur Taluk,
Virudhunagar District.

3.The Manager,
Susee Auto Sales and Service Pvt. Ltd.,
200/1A3, Ayyan Pappakudi Village,
Airport Road,
Perungudi Post,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to sent the loan amount of Rs.10,98,916/- to the third respondent under the self Employment Programme for Youth (SEPY) vide the Proceedings No.A2/401/2016-17/SEPY/05, dated 22.09.2016 within the stipulated as fixed by this Court.

For Petitioner : Mr.K.Kulanthai Vikaram

For Respondents : Mr.T.S.Mohammed Mohideen
AGP for R1
Mr.N.Dlipkumar for R2

O R D E R

This writ petition is filed seeking for a direction to the second respondent for disbursement of loan amount of Rs.10,98,916/- under the Self Employment Programme for Youth.

2.The case of the petitioner is that he approached the first respondent for extending the vehicle loan under the Self Employment Programme for Youth Scheme by way of an application, dated 19.03.2015, and that he has deposited a sum of Rs.1,00,000/- with the second respondent bank towards the fixed deposit. It is the further case of the petitioner that he was selected by the Selection Committee to get subsidy of Rs.2,25,000/- for the tourist vehicle loan. Even thereafter, the second respondent has not disbursed the loan amount in spite of repeated request made by the petitioner.

3.The second respondent filed a counter affidavit, wherein, it is stated that the disbursement of the loan was kept pending awaiting release of subsidy from the sponsoring agency and that in the meanwhile, the petitioner got himself involved in a criminal case and got arrested by the police in connection with the theft of hair locks donated by devotees to the deity of Irukkankudi Mariamman Temple in Virudhunagar, as could be seen in the news items published on 19.07.2016. It is further stated in the counter affidavit that when the Sub-Inspector of Police, Irukkankudi Police Station was contacted, it was ascertained that there were 9 criminal cases filed against the petitioner before the said Station under various criminal offences and therefore, considering the criminal antecedents of the petitioner, a decision was taken not to disburse the loan to the petitioner. Thus, it is stated that the loan papers were returned to TAHDCO on 01.11.2016 explaining therein the reasons for returning the same. It is also stated by the second respondent that the fixed deposit made by the petitioner of Rs.1,00,000/- was on his own accord and he had also availed loan against the said deposit to the tune of Rs.70,000/- subsequently.

4.The learned counsel appearing for the petitioner submitted that involvement of the petitioner in a criminal case cannot be a bar for the respondent bank to disburse the loan amount as there is no statutory prohibition for extending such loan facility on such reason. The learned counsel further submitted that when the petitioner wants to reform himself and lead a decent life by doing some business, the respondent bank cannot deny the loan.

5.Per contra, the learned counsel appearing for the respondent bank submitted that the petitioner is not having any vested right to seek the loan as a matter of right as it is always open to the respondent bank to as certain and make sure that the loan disbursed to the party can be recovered in future without having any legal huddle.

6.The learned counsel for the respondent bank further invited this Court's attention to various criminal cases filed against the petitioner totaling numbering 9, out of which, the recent one pending in Crime No.153 of 2016 is in respect of the offence, committed under Sections 457, 380 and 120(b) IPC.

7.Heard both sides.

8.It is not in dispute that the petitioner seeks some benefit under the Scheme called Self Employment Programme for Youth Scheme by availing vehicle loan from the second respondent bank. The bank which is to disburse the such loan to a person, cannot be faulted in verifying the antecedents of the applicant and get itself satisfied with regard to the possibility of the bank to recover the loan in case of default committed by the borrower. In this case, it is seen that the petitioner got himself involved in 9 criminal cases. Out of which, two said to be still pending. The criminal cases filed against the petitioner read as follows:-

1.Cr.No.80/03 U/s 376(2)(g), 394, 302 IPC Acquittal
2.Cr.No.108/04 U/s 324, 328 IPC Acquittal
3.Cr.No.185/07 U/s 376(2)(g), 394, 302 IPC Acquittal
4.Cr.No.100/12 U/s 294(b) conviction
5.Cr.No.123/14 U/s 294(b) conviction
6.Cr.No.266/14 U/s 110 Cr.P.C., Discharge
7.Cr.No.72/16 U/s 324 IPC r/w 4 of TNPWHW act - NTF
8.Cr.No.85/16 U/s 109 Cr.P.C. Discharge
9.Cr.No.153/2016 U/s 457, 380 and 120(b) IPC.

9.In this case, though the petitioner has made the loan application on 19.03.2015, has however, got himself arrested in pursuant to the crime committed under Sections 457, 380 and 120(b) IPC on 19.07.2016. Therefore, I find that the apprehension of the bank cannot be faulted for returning the loan application of the petitioner. As rightly pointed out by the learned counsel for the respondent bank, the petitioner is not having any vested right to seek the loan in spite of having such criminal antecedents. Needless to say that if the petitioner comes out clean with the charges levelled against him, he can revive his request for extending the loan and if any such request is made in future, after he comes out clean from the criminal cases, the same can be considered by the concerned authority on its own merits and in accordance with law.

Therefore, I find that the present writ petition cannot be sustained. Accordingly, the same is dismissed. No costs.

Sd/
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To
1.The District Manager,
Tamil Nadu Adi Dravidar Housing and Development Corporation,
(TAHDCO)
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Virudhunagar District.

2.The Branch Manager,
Pandian Grama Bank,
Nenmeni, Irukkankudi,
Sattur Taluk,
Virudhunagar District.

+1cc to Mr. N.Dillip kumar, Advocate, SR No.81011

+1cc to Mr.K.Kulanthai vikram, Adovacate SR No.81065

+1cc to The Special Government Pleader SR No. 81390

Skn
CSL-CK/05.01.2017/4P-6C

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