



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.9508 of 2015 and
MP(MD)No.1 of 2015

A.Periyasamy

... Petitioner

-vs-1. The Secretary to Government,
Secretariat, George Town,
Chennai - 600 0012. The Managing Director,
THADCO, Guindy,
Chennai.3. The District Manager,
THADCO, Madurai.4. The Branch Manager,
State Bank of India,
Elumalai Branch, Elumalai,
Perayur, Madurai - 625 535.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 03.01.2015 in A3/741/2014 on the file of the 3rd respondent and quash the same and issue consequential direction directing the respondents to release or settle the subsidy amount in respect of the loan obtained by him in THADCO scheme from the 4th respondent in Loan Account (THADCO SCHEME) No.32409195192 and also to pay the interest amount collected by the 4th respondent so far from the petitioner for the subsidy amount payable by the 3rd respondent and subsequently direct the 4th respondent to issue No Objection Certificate in respect of the loan account (THADCO SCHEME) No.32409195192 by considering the petitioner's representation dated 03.12.2014.

For Petitioner	: Mr.A.Rajendran
For R1	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R2	: No appearance
For R3	: Mr.R.Velmurugan
For R4	: Mr.C.Karthik

**ORDER**

WEB COPY This writ petition has been filed seeking to quash the order of the third respondent dated 03.01.2015 in A3/741/2014 and consequently direct the respondents to release or settle the subsidy amount in respect of the loan obtained in THADCO scheme from the fourth respondent in Loan Account (THADCO SCHEME) No.32409195192 and also to pay the interest amount collected by the fourth respondent so far from the petitioner for the subsidy amount payable by the third respondent and subsequently direct the fourth respondent to issue No Objection Certificate in respect of the loan account (THADCO SCHEME) No.32409195192, by considering the petitioner's representation dated 03.12.2014.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 3 and 4.

3.The case of the petitioner is that the fourth respondent has sanctioned a loan of Rs.3,52,000/- under THADCO scheme in favour of the petitioner to purchase the vehicle TATA ACE and as per the said scheme, the third respondent should pay Rs.1,11,311/- as subsidy. As the third respondent has not paid subsidy to the fourth respondent, the petitioner has made a representation dated 01.12.2014 to the respondents, requesting to pay the subsidy amount and no response was emanated from the respondents. In the meanwhile, the third respondent has issued the communication dated 03.01.2015 stating that subsidy cannot be released, since the fourth respondent has not communicated their acceptance in Form No.III. Challenging the same, the present writ petition has been filed.

4.The learned counsel appearing for the third respondent submitted that in order to consider the claim of the petitioner dated 03.01.2012, Form III has not been submitted by the fourth respondent. The learned counsel appearing for the fourth respondent, in turn, stoutly refuted such contention and submitted that Form No.III had already been forwarded to the third respondent.

5.It is seen from the typed set of papers that the copy of said Form III furnished by the fourth respondent has been enclosed by the petitioner. Under such circumstances, the petitioner is directed to place the same before the third respondent within a period of two weeks from the date of receipt of a copy of this order. On such production, the third respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of two weeks thereafter.



6. With the above direction, this writ petition is disposed of. No costs. Consequently, MP(MD)No.1 of 2015 is closed.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Secretariat, George Town,
Chennai - 600 001

2. The Managing Director,
THADCO, Guindy,
Chennai.

3. The District Manager,
THADCO, Madurai.

+ 1 CC TO Mr.A.RAJENDRAN, ADVOCATE IN SR No. 93059

+ 1 CC TO Mr.C.KARTHIK, ADVOCATE IN SR No. 92562

+ 1 CC TO Mr.R.VELMURUGAN, ADVOCATE IN SR No. 92757

MJ

TE/SKN-RSK/SAR-3 : 27/12/2017 : 3P/7C

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