



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.14729 of 2017

S.Balamurugan

.. Petitioner

Vs.

The Manager,
Karur Vysya Bank,
Thirunagar Branch,
Thirunagar,
Madurai - 625 006.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent herein to sanction the remaining loan amount without any delay.

For Petitioner
For Respondent

: Mr.G.Ganesh Kumar
: Mr.Mr.Pala.Ramasamy

ORDER

This writ petition is filed seeking to direct the respondent bank to sanction the remaining loan amount without any delay.

2.According to the petitioner, he applied for term loan - agri before the respondent bank. The bank sanctioned a sum of Rs.48,00,000/- and released a sum of Rs.5,00,000/- on 23.03.2016. Thereafter the bank has not released the remaining loan amount, since it was objected by his brother. Though the petitioner has submitted his explanation in detail, the respondent bank has not released the remaining loan amount. As the representation of the petitioner dated 09.08.2016 to release the reaming amount, was not considered, the petitioner filed W.P.(MD).No.16026 of 2016, wherein by order dated 09.01.2017 this Court, directed the first respondent to consider the request of the petitioner and pass orders on the same on merits and in accordance with law also after affording due opportunity to the second respondent therein. However, on 29.05.2017, the respondent bank informed that unless, the petitioner solves the disputes with his brother, they are constrained to recall the advance. Hence, the petitioner is before this Court, to direct the respondent bank to release the remaining loan amount.



3. After due notice, the respondent bank has filed a counter, wherein in it has been stated as follows:

V. It is submitted that, as per the direction of this Hon'ble Court, our bank issued notice dated 09.02.2017 for appearance to Mr. Balamurugan and his brother Mr. Sankarraaj. Mr. Sankarraaj has not appeared and the writ petitioner agreed to the following viz,

(i) He will submit project report along with quotation on 27.02.2017.

(ii) Agreed to avail the loan amount, after completion of the project work.

(iii) Agreed to disburse the loan amount directly to project consultant/ vendor.

Hence our bank agreed to release the balance loan amount of Rs.43,00,000/- on petitioner fulfilling the four conditions on or before 07.03.2017 as stated in our letter dated 01.03.2017. The said conditions are as follows:

(i) To submit acceptable project report from consultant with good track record and NHB subsidy claim settlement.

(ii) Bank will consider the project report

(iii) Loan will be disbursed to the borrower's vendor in stage wise.

(iv) To submit indemnity against any loss by the rival claimant, Mr. Sankarraaj - brother of the writ petitioner over the mortgage interest.

VI. It is submitted that, the petitioner has not remitted the margin amount for disbursement of the second installment amount of loan and not submitted end use voucher for the loan component already availed i.e. Rs.6,00,000/-. Hence our bank requested vide its letter dated 11.04.2017. But it was not complied, till date.

4. Under such circumstances, since the petitioner is also inclined to comply with the condition imposed by the respondent bank, this Court directs the petitioner to comply with the same within a period of three weeks from the date of receipt of a copy of this order and on such compliance, the respondent bank is directed to release the remaining loan amount within a period of three weeks therefrom.



5. With the above directions, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

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/True copy/

Sub Assistant Registrar

To
The Manager,
Karur Vysya Bank,
Thirunagar Branch,
Thirunagar, Madurai - 625 006.

+ 1 CC TO MR.G.Ganesh Kumar, ADVOCATE IN SR No.83612
dsk
MK/KK/SAR-4/02.11.2017/3P/3C

**ORDER MADE IN
W.P(MD)No.14729 of 2017
25.10.2017**