



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.19883 of 2017

and

WMP(MD) No.16154 of 2017

Dalpan

... Petitioner

Vs.

1.The General Manager (Advance)
Indian Overseas Bank,
Central Office,
Anna Salai, Chennai.

2.The Regional Manager
Indian Overseas Bank,
Regional Office,
Nagercoil, Kanyakumari District.

3.The Branch Manager
Indian Overseas Bank,
Aaralvaimozhi Branch,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to discharge the alleged remaining loan amount pertaining to his loan number.261100014 on the file of the third respondent from getting amount under Credit Guarantee Fund Trust Scheme for Micro and Small Enterprises (CGMTSE) by considering the petitioner's representation dated 14.06.2017.

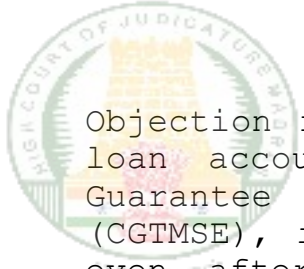
For Petitioner : Mr. S.R.Anbarasu
For Respondents : Mr. Pala.Ramasamy
Standing Counsel

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel on either side.

3.It is the case of the petitioner that the he availed loan for a sum of Rs.12,10,000/- from the third respondent Bank on 06.04.2011, for purchasing Escorts 12 Ton Hydra Crane. Due to loss in his business, he decided to sell the said vehicle. Accordingly, he sold the said vehicle for Rs.6,00,000/- after obtaining No



Objection from the respondents and credited the said amount to his loan account on 22.05.2014. As per a scheme namely, Credit Guarantee Fund Trust Scheme for Micro and Small Enterprises (CGTMSE), if the entire vehicle loan amount could not be discharged even after selling the vehicle, the balance amount should be discharged by the Bank. The third respondent is taking steps to attach the movables and immovables of the petitioner. Therefore, the petitioner submitted a representation dated 14.06.2017 to the third respondent, for discharging the loan amount under the said scheme. Since the same has not been considered so far, the petitioner is before this Court.

4. Considering the facts and circumstance of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the application/representation of the petitioner dated 14.06.2017 and pass suitable orders thereon, on merits and in accordance with the Credit Guarantee Fund Trust Scheme for Micro and Small Enterprises (CGTMSE), within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager (Advance)
Indian Overseas Bank,
Central Office,
Anna Salai, Chennai.
2. The Regional Manager
Indian Overseas Bank,
Regional Office,
Nagercoil, Kanyakumari District.
3. The Branch Manager
Indian Overseas Bank,
Aaralvaimozhi Branch,
Kanyakumari District.

RM

JS/JC/SAR.1/12.12.2017/2P-4C

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W.P (MD) No.19883 of 2017

23.11.2017