



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.02.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.2060 of 2017

K.Minor Moses
Managing Partner,
Star Coaches" Bus Body Building Company,
No.54, R.K.Illam,
3rd Cross Street,
Gandhigramam South
Pasupathipalayam Post,
Karur District.

..Petitioner

Vs

The Manager,
Karur Vysya Bank,
Karur.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent Bank to disburse the remaining loan amount of Rs.55, 00, 000/- under Credit Loan Facility TLB for providing infrastructure facilities to the petitioner's workshop and to commence its business at SF No.301/1B Pavithram TVS (Leyland Service) Backside, Coimbatore Road, Karur- 639 002 as requested in the petitioner's representation dated 13.10.2016.

For Petitioner :Mr.Thayumanaswamy

For Respondents :Mr.Pala Ramasamy

ORDER

The Petitioner seeks for a direction to the respondent Bank to disburse the remaining loan amount of Rs.55, 00, 000/- under Credit Loan Facility TLB for providing infrastructure facilities to the petitioner's workshop and to commence its business at SF No.301/1B Pavithram TVS (Leyland Service) Backside, Coimbatore Road, Karur- 639 002, as requested in the petitioner's representation dated 13.10.2016.

2.The grievance of the petitioner is that even though the respondent Bank has sanctioned Rs.75,00,000/- as loan, the respondent Bank has only disbursed Rs.20,00,000/- sofar and not



disbursed the remaining sum of Rs.55,00,000/-. It appears that the petitioner, therefore, made such representation, dated 13.10.2016, seeking for disbursal of the remaining loan amount.

3. Mr.Pala Ramasamy, learned counsel, who takes notice for the respondent Bank, based on the instruction, submitted that, already, the representation of the petitioner dated 13.10.2016 was considered and reply was given by the respondent Bank on 27.10.2016 itself stating that the respondent is not advancing further loan amount in view of the pendency of the civil suits in O.S.Nos.6 of 2011 and 323 of 2016.

4.Since the Bank has already replied to the petitioner's representation, it is for the petitioner to work out his remedy in the manner know to law, based on the reasons, set out in the said communication, dated 27.10.2016. Without doing so, seeking for mandamus, as sought for in the writ petition cannot be entertained.

5.Accordingly, this writ petition is disposed of with liberty to the petitioner to work out his remedy before the appropriate forum in the manner known to law. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

+1 cc to MR.H.THAYUMANASWAMY, Advocate SR.No.6672

+1 cc to MR.PALA RAMASAMY, Advocate SR.No.6543

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SMA/SV-MMS/28.02.2017:2P/3C