



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2017

CORAM:

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

W.P (MD) No.17544 of 2016

and

W.M.P (MD) No.12668 of 2016

M.Swaminathan

.. Petitioner

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Manager,
The Tamil Nadu Adi Dravidar Housing &
Development Corporation (TAHDCO),
Nanjikottai Road, Thanjavur.
3. The Branch Manager,
Canara Bank,
Thiruvidaimaruthur Taluk,
Thanjavur District.
4. R.Tamilselvan,
The Branch Manager,
Canara Bank,
Thiruvidaimaruthur Taluk,
Thanjavur District.
5. The Branch Manager,
Indian Overseas Bank,
Lead Bank Office,
Karups Tower,
M.C.Road, Thanjavur - 613 007.
6. The Ombudsman,
Office of the Banking Ombudsman,
Reserve Bank of India Building (2nd Floor),
Fort Glacis, Post Office No.40,
No.16, Rajaji Salai, Chennai - 600 001.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari and Mandamus calling for the records relating to the impugned order passed by the sixth respondent in Ref.No.BO(Che)/



9893/C-5160/2015-16 dated 17.05.2016 and quash the same and consequently direct the respondent herein to disburse the petitioner's sanctioned loan and subsidy amount within the time frame fixed by this Court.

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For Petitioner : Mr.B.Vinothkumar
For Respondents 1 and 2 : Mr.M.Alagathevan,
Special Government Pleader.
For Respondents 3 to 6 : No appearance

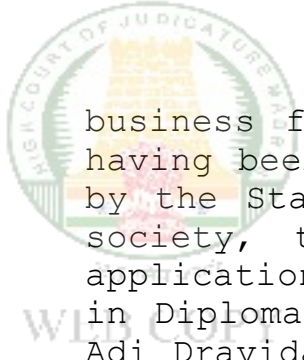
ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus to quash the impugned order passed by the sixth respondent in Ref.No.BO(Che)/9893/C-5160/2015-16 dated 17.05.2016 and direct the third respondent to disburse the petitioner's sanctioned loan and subsidy amount, within the time stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 and 2. Despite notice being served on the respondents 3 to 6 and the names being printed on the cause list, there is no representation on behalf of them either in person or through counsel.

3.The case of the petitioner is that he applied for loan for tourism business, under the Scheme of Self-employment Programme for Youth, to the District Manager, TAHDCO in Thanjavur and he was found to be eligible under the said scheme and his application was considered and recommended to the Corporation Bank, Aaduthurai and thereafter the same was transferred to the third respondent Bank. According to the petitioner, as directed by the fourth respondent, who is the Branch Manager of the third respondent, he also paid the total due amount in connection with his Educational Loan. Thereafter also, loan amount has not been disbursed. Therefore, he made a complaint against the fourth respondent before the sixth respondent and the sixth respondent rejected the same stating that the third respondent decided to return his application on the ground that there is no viability for the tourist business and the business does not fall within the service area. It is the further case of the petitioner that the fourth respondent granted loan to another person for the same business in the same locality. Therefore, the petitioner is before this Court with the aforesaid prayer.

<https://hcservices.ecourts.gov.in/hcservices>
The sixth respondent rejected the complaint made by the petitioner on the ground that there is no viability for the tourist business and there is no scope for getting adequate



business for tourist vehicle in the area. Since the petitioner having been selected as a beneficiary under the Scheme formulated by the State Government for upliftment of the oppressed class of society, the third respondent-Bank should have considered the application in a proper perspective. The petitioner is qualified in Diploma in Four Wheeler Mechanism. Since, he belongs to poor Adi Dravidar Community family, his application has been considered for grant of financial assistance. Therefore, the third respondent-Bank should have considered the application in a proper perspective. The sixth respondent has also rejected his complaint without considering the said aspect. Therefore, the impugned order passed by the sixth respondent dated 17.05.2016 is liable to be set aside and accordingly the same is set aside and the third respondent is directed to consider the case of the petitioner and disburse the sanctioned loan and subsidy amounts to the petitioner, within a period of six weeks from the date of receipt of a copy of this order, provided the petitioner satisfies the other eligibility requirements.

5.The writ petition is allowed on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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+ 1 cc TO The Special Government Pleader in SR No. 82815

smn

AE/KP/SAR4/02.11.2017/4P/7C

ORDER MADE IN
W.P(MD)No.17544 of 2016
and
W.M.P(MD)No.12668 of 2016
12.10.2017