

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A.No.1526 of 2018
and
C.M.P.No.12295 of 2018

G.Manimaran ... Appellant/Petitioner

-vs-

1.The Under Secretary,
Government of India,
Ministry of Food Processing Industries,
Panchsheel Bhawan, August Kranti Marg,
New Delhi-110 049.

2.The Assistant General Manager,
Canara Bank, Circle Office, Coimbatore.

3.The Chief Manager,
Canara Bank, Regional Office, Erode.

4.The Chief Manager,
Canara Bank, Vellakoil,
Tiruppur District. ... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.974 of 2016 dated 06.11.2017.

Prayer in WP.No.974 of 2016:Petition filed U/Art 226 of Constitution of India it is prayed that this Hon'ble Court may be pleased to issue a writ of mandamus order or direction in the nature of a writ, directing the respondents 2 to 4 to disburse the grant to the tune of Rs.25.69 Lakhs together with interest to the petitioner otherwise the respondents 2 to 4 adjust the same in the petitioner Loan Account and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant :: Mr.C.Prakasam

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

The appellant is running a rice mill. The Government of India announced a scheme for Modernisation of Food Processing Industries by upgrading Technology. As per the said Scheme, the first respondent would grant 25% of the sanctioned loan as subsidy towards such modernisation. The appellant availed the loan amount of Rs.73 lakhs in the year 2007 from the fourth respondent and consequently made an application on 24.11.2008 to the first respondent through the fourth respondent for disbursing the grant claim of Rs.25,69,000/-. The said claim was rejected by the first respondent-Ministry on the ground that the application was received by them after the cut-off date. According to the appellant, the fourth respondent was careless and negligent in processing the appellant's application within the stipulated time, ie., on or before 06.02.2009. Hence, the appellant filed a writ petition before this Court in W.P.No. 974 of 2016 for a Mandamus directing the respondents 2 to 4 to disburse the grant to the tune of Rs.25.69 lakhs together with interest to the appellant, or to adjust the same in the appellant's loan account.

2.On considering the facts and circumstances of the case, the learned single Judge dismissed the writ petition by order dated 06.11.2017 on the ground the first respondent cannot be faulted in not granting the aid when no application has been received by the first respondent within the cut-off date. Further, since it appears that the application filed by the appellant was not in order, it has also been observed that it is a matter between the Bank and the appellant.

3.Challenging the order made in the writ petition, the present appeal has been filed.

4.After some arguments, the learned counsel for the appellant has submitted that he may be permitted to withdraw this writ appeal with liberty to challenge the letter dated 06.12.2013 issued by the first respondent, rejecting the subsidy claim made by the appellant. He has also made an endorsement to that effect.

5.In view of the above, the writ appeal is dismissed as withdrawn granting such liberty to the appellant. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Under Secretary to Government,
Government of India,
Ministry of Food Processing Industries,
Panchsheel Bhawan, August Kranti Marg,
New Delhi-110 049.
- 2.The Assistant General Manager,
Canara Bank, Circle Office, Coimbatore.
- 3.The Chief Manager,
Canara Bank, Regional Office, Erode.
- 4.The Chief Manager,
Canara Bank, Vellakoil,
Tiruppur District.

SJ(CO)
sm:30.8.2018

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