

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.7014 of 2009
and M.P.No.1 of 2009

V.Ramachandran

..Petitioner

Vs

1.The District Manager,
Tamil Nadu Adi Dravidar Housing
and Development Corporation Limited,
Vellore District.

2.The Branch Manager,
Corporation Bank,
Aambur Branch, Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, to direct the 2nd respondent to sanction the loan to the petitioner to run the garment business.

For Petitioner : Mr.Arockia Maniraj

For Respondents : No appearance for R1
Mr.R.R.Pradheep
for Mr.S.Sethuraman for R2

O R D E R

The prayer sought for in this writ petition is to issue a writ of mandamus to direct the first respondent to sanction loan to the petitioner for running the garment business.

2. According to the petitioner, he has completed degree of law and Bachelor of Arts (B.A.) and he is not ready to practice as an Advocate. He is hailing from poor social and economical condition. Therefore, he decided to run the garment business, but, he does not have any basic infrastructure. Hence, he approached the second respondent in order to get loan and subsidies.

3. The petitioner would allege that as advised by the second respondent, he opened the account and submitted the project and also approached the first respondent for subsidies. Since loan was not sanctioned, he made a representation to the second respondent on 27.02.2009. However, there is no response, the present writ petition.

4. The learned counsel for the petitioner would argue that the first respondent has sanctioned loan and hence, it is the duty of the second respondent to pay the amount. According to the learned counsel for the petitioner, the petitioner has fulfilled all the requirements and formalities, however, it was deliberately refused by the second respondent.

5. The learned Standing Counsel appearing for the second respondent by referring the counter affidavit would argue that the writ petition is not maintainable. It is the submission of the learned Standing Counsel that the first respondent has not sanctioned loan to the petitioner and it was merely forwarded to the second respondent for necessary action. The second respondent scrutinized the papers of the petitioner and found that the petitioner was not having technical knowledge for running the garment and tailoring business and did not have any place for running the said business. It is further stated that since the petitioner has not satisfied the required parameters for sanctioning the loan, the same was rejected.

6. I have heard both sides and considered the rival submissions and perused the materials available on record.

7. In the case on hand, the petitioner has come to the Court on a specific contention that the first respondent has approved the loan application of the petitioner, but, it was refused by the second respondent. To substantiate the case of the petitioner no documents were produced. It is the case of the second respondent that the application of the petitioner was referred for taking action and after thoroughly examining the case of the petitioner, it was found that he is not eligible to get the loan.

8. It is settled principles of law that for issuing a Writ of Mandamus, the petitioner has to establish his legal right and it is not to be granted as a matter of course and loan cannot to be asked for as a matter of right.

9. Hence, considering the facts of this case, I do not find any merit in this writ petition. Accordingly, the writ petition fails and the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

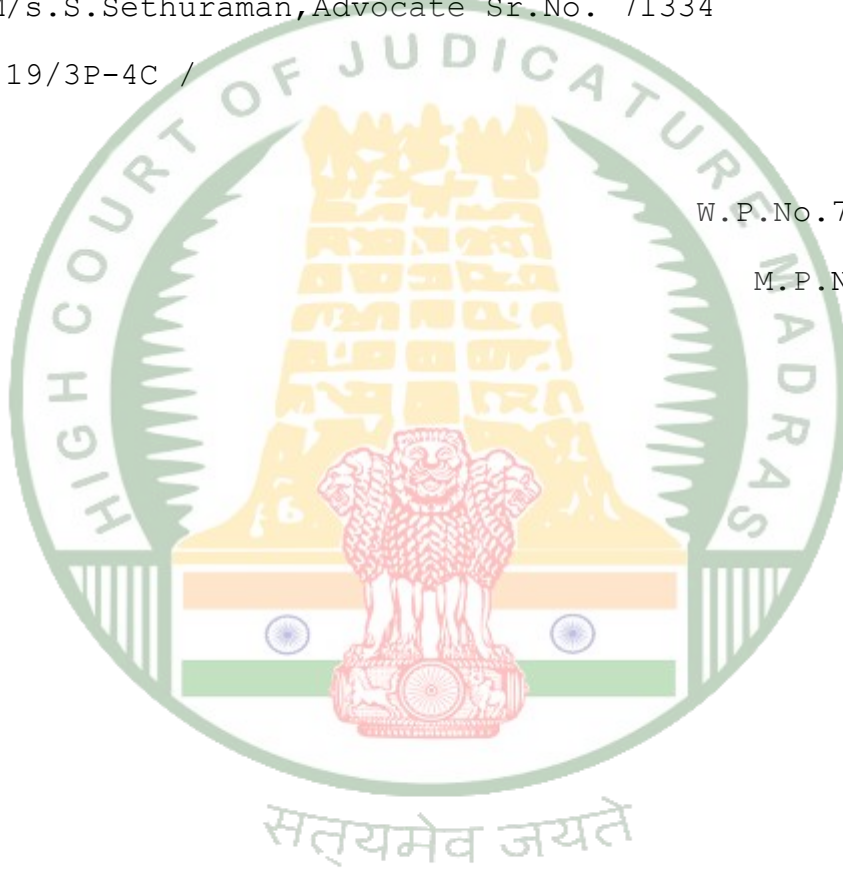
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Vellore District.

2.The Branch Manager,
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Aambur Branch, Vellore District.

+1 cc to M/s.S.Sethuraman, Advocate Sr.No. 71334

AKM/26.09.19/3P-4C /

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