

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.1535 of 2018

K.Jothilingam

...Petitioner

Vs.

1. The District Manager,
District Manager Office,
TAHDCO, Kancheepuram,
Tamil Nadu Adhi Dharavidar
Housing Development Corporation.
2. The Assistant Manager,
TAHDCO, Kancheepuram,
Tamil Nadu Adhi Dharavidar
Housing Development Corporation.
3. The Branch Manager,
Indian Bank,
Kattidevathur Branch,
Maduranthagam Taluk,
Kanchipuram District.
4. The Branch Manager,
Indian Bank,
Sankara Madam Branch,
Kanchipuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 3rd respondent with direction to disburse loan to the petitioner as per Nodal Order No. A 2/EDP-058/2017/2018 dated 04.10.2017 under TAHDCO Scheme.

For Petitioner : Mr.M.Anandaraj

For Respondents : Mr.R.Govindasamy
Special Government Pleader for R1 & 2
Mr.T.Sundarrajan for R3

No appearance for R4

O R D E R

The petitioner seeks for a mandamus directing the 3rd respondent to disburse loan to the petitioner as per Nodal Order No. A 2/EDP-058/2017/2018 dated 04.10.2017 under TAHDCO Scheme.

2. Heard both sides.

3. The case of the petitioner is as follows:

He belongs to Hindu Adi Dravidar Community. He applied for loan to set up hardware shop under the scheme of TAHDCO Entrepreneur Development Programme (EDP) on 26.08.2016. He attended the interview before the first respondent on 30.01.2017 with necessary documents. The committee selected him as an eligible person for availing loan and consequently, recommended to the third respondent-Bank for granting loan. The third respondent has also given a consent for disbursing the loan. Based on the consent given by the third respondent, the Front end Subsidy is given by Nodal Order No. A 2/EDP-058/2017/2018 dated 04.10.2017, directing the fourth respondent to release Front end subsidy after obtaining Form IV by inter Bank transfer to the 4th respondent. But the third respondent refused to sanction the loan to the petitioner, even after receipt of Front end Subsidy from the first respondent. Hence, the present writ petition is filed before this Court.

4. A counter affidavit is filed by the third respondent, wherein it is stated as follows:

The third respondent sent a letter dated 09.02.2018, asking him to submit the necessary documents which are mandatory for a release of the loan before 23.02.2018 but the petitioner failed to do so till date. Since the project value is Rs.15,00,000/- whereas the capital brought by the petitioner is Rs.75,000/- and after deducting the subsidy of Rs.2,25,000/- provided by TAHDCO, the loan amount applied by the petitioner is Rs.12,00,000/-, the petitioner has to provide collateral security for the loan amount. Without providing the collateral security, the petitioner is trying to make a false case as if the loan was willfully not disbursed by the third respondent.

5. The learned counsel appearing for the third respondent thus submitted that if the petitioner furnishes the required documents and also provides collateral security as required by the third respondent, his application for disbursing the loan will be considered and appropriate action will be taken without any further delay.

6. The learned counsel appearing for the petitioner submitted that the petitioner is willing to furnish a collateral security as required by the third respondent.

7. Accordingly, this writ petition is disposed of, only by directing the petitioner to approach the third respondent with necessary documents and also by furnishing a collateral security as required by the third respondent within a period of two weeks from the date of receipt of a copy of this order. On furnishing such collateral security and the necessary documents, the third respondent shall consider the claim of the petitioner for loan and pass orders without any further delay. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni/vri

To

- 1.The District Manager,
District Manager Office,
TAHDCO, Kancheepuram,
Tamil Nadu Adhi Dharavidar
Housing Development Corporation.
- 2.The Assistant Manager,
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Kanchipuram District.
- 4.The Branch Manager,
Indian Bank,
Sankara Madam Branch,
Kanchipuram District.

+1cc to Mr.T.Sundar Rajan, Advocate, S.R.No.15776
+1cc to Mr.M.Anandaraj, Advocate, S.R.No.16188

W.P.No.1535 of 2018

CP(CO)

rrs 22/02/2019