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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.23658 of 2019
and W.M.P.No.23488 of 2019

Lotus Knit Fab
rep.bu itsProprietrix Mrs.K.Hemalatha

.. Petitioner

/versus/

1.The Chief Secretary to Government of Tamil Nadu,
Chief Secretariat,
Fort St.George,
Chennai.

2.The Principal Secretary,
Industries and Commerce,
Directorate of Industries and Commerce,
Board of Industries and Commerce,
2nd and 3rd Floor, SIDCO corporate Building,
Chennai-32.

3.The General Manager,
District Industries Centre,
Anuparpalayam,
Pudur, Anuparpalayam,
Tiruppur District.

4.The Deputy General Manager,
Corporation Bank,
Zonal Office, Saibaba Colony,
Velandipalayam,
Coimbatore.

5.The Assistant General Manager,
Corporation Bank,
Tiruppur Main Branch,
Tiruppur.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certioarai calling for the records pertaining to the Order No.RC.No.13678/NEEDS/2019 dated 17.06.2019 on the file of the 1st & 2nd respondents and



quash the same as illegal, arbitrary and unlawful.

For petitioner : Mr.A.Joseph Dorairaj

For Respondents : Mrs.P.Rajalakshmi, AGP for R1

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O R D E R

The case of the petitioner is that, she availed credit facility to a tune of Rs.69.50 lakhs with the 4th respondent Bank for her knitting company. Under NEED scheme, she is entitled for Government subsidy of Rs.24.87 lakhs. Based on the Triparte agreement, on 17.01.2018 Rs.12,43,750/- was paid to her towards first installment of subsidy. Due to fire accident she did not avail the 3rd installment of subsidy. When that was intimated to the 2nd respondent, recovery notice was issued to her on 22.12.2018. Her review petition against the recovery notice also rejected.

2. The petitioner admits that she failed to insure her unit though para 15 of the agreement mandates her to insure. She has filed Suit in O.S.No.458 of 2018, on the file of the Sub-Court, Tiruppur against the Bank. The impugned order reveals the petitioner has shifted the unit without prior permission of the respondent. So it is clear that only to evade and defeat the recovery process the present writ petition is filed.

3. Since the matter is purely a civil dispute and Suit is already filed and pending, writ Court is not the forum to agitate the cause pleaded.

4. Hence, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Chief Secretary to Government of Tamil Nadu,
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Fort St.George,
Chennai.

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Zonal Office, Saibaba Colony,
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Coimbatore.
5. The Assistant General Manager,
Corporation Bank,
Tiruppur Main Branch,
Tiruppur.

+1cc to Mr.A.Joseph Dorairaj Advocate, S.R.No.69141
+1cc to the Government Pleader, S.R.No.69370

NRJK(CO)
CB(25/09/2019)

W.P.No.23658 of 2019
and W.M.P.No.23488 of 2019