



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :21.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32567 of 2019

1 C.PALANICHAMY ... Petitioner

Vs

1 The Managing Director
Tamil Nadu State Transport
Corporation, Coimbatore zone,
Head Office, Coimbatore. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondent to dispose of the Petitioners Representation dated 26.7.2019.

For Petitioner	: Mr.K.Manimaran
For Respondent	: Mr.R.S.Selvam, Government Advocate.

ORDER

1. The petitioner has filed this writ petition praying for the issuance of a Writ of Mandamus to direct the Respondent to dispose of the Petitioners Representation dated 26.7.2019.
2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.
3. The case of the petitioner is that the petitioner was appointed as conductor in the respondent's Corporation, Coimbatore. It appears that the petitioner has purchased a plot along with his wife and they have both availed loan to construct house through State Bank of India, RBO Region 4, Madurai. However, subsequently, since they failed to pay the EMIs, the Bank has initiated proceedings under SARFAESI Act and took symbolic possession the property. In such circumstances, it appears that in order to pay the loan amount, due and payable to the SBI the petitioner on 25.07.2019 applied for sanction of Provident fund to the tune of Rs.3,00,000/- since according to him a sum of Rs.3,30,863/- is lying in Provident Fund account. The grievance of the



petitioner is that despite repeated requests and representations to the respondent, the respondent has not sanctioned the amount which prompted the petitioner to approach this Court.

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4. The learned counsel for the petitioner would submit that since the petitioner has failed to repay the loan amount, hence the State Bank of India had initiated proceedings under SARFAESI Act and took symbolic possession of the property in order to bring it on sale for recovery of loan amount, it becomes dire necessity for the petitioner to repay the outstanding loan amount in one lump sum and to meet out this, the petitioner applied for sanction of amount from his provident fund and despite requests and representations made by the petitioner the respondent has not sanctioned. Hence the learned counsel seeks directions to disposed of the petitioners representation dated 26.07.2019, in accordance with law.
5. The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.
6. Considering the limited request made by the learned counsel appearing for the petitioner, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 26.07.2019, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.
7. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

jrs



To
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The Managing Director
Tamil Nadu State Transport
Corporation, Coimbatore zone,
Head Office, Coimbatore.

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+1 cc to Mr.K.Manimaran Advocate sr97910
+1 cc to Mr.R.S.Selvam Advocate sr97663

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