



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **20.06.2019**
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.13100 of 2019

WEB COPY

Jesus Modern Chamber Bricks
rep., by Mr.Barnabas

...Petitioner

-Vs-

1.The Principal Secretary,
Industries Department,
Government of Tamil Nadu,
St.George Fort, Chennai.

2.The District Collector,
Tirunelveli District.

3.The Managing Director,
The Tamil Nadu Industrial Investment
Corporation Ltd,
No.692, Anna Salai, Nandanam, Chennai-600 035.
Chennai-600 003.

4.The General Manager,
The Tamil Nadu Industrial Investment Corporation Ltd.,
No.692, Anna Salai, Nandanam, Chennai-600 035.
Chennai-600 003.

5.The Branch Manager,
The Tamil Nadu Industrial Investment Corporation Ltd.,
No.5C/5B, Hotel Sakuntala Shopping Complex,
1st Floor, Trivandrum Road, Vannarpettai,
Tirunelveli-627 003.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to disburse the term loan and SBL amount sanctioned to the petitioner under NEEDS Scheme through proceedings dated 02.04.2019 forthwith.

For Petitioner : Mr.Prabhu Rajadurai
for Mr.R.Maheswaran

For Respondents : Mr.M.Rajarajan
Government Advocate (For R1 & R2)
Mr.G.Murugan (for R3 to R5)

**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to disburse the term loan and SBL amount sanctioned to the petitioner under NEEDS Scheme through proceedings dated 02.04.2019 forthwith.

2. Heard Mr. Prabhu Rajadurai, learned counsel appearing for the petitioner, Mr. M. Rajarajan, learned Government Advocate appearing for the respondents 1 and 2 and Mr. G. Murugan, learned Standing Counsel appearing for the respondents 3 to 5.

3. The only controversy involves in this writ petition is that the respondents/ the Tamil Nadu Industrial Investment Corporation Limited demanded certain documents in original for clearing the loan application of the petitioner and in this regard, there is a communication dated 04.06.2019 by the respondents TIIC, where the following documents are required.

"You have been sanctioned a Term Loan of Rs.99.00 lakhs and SBL of Rs.25.00 Lakhs on 29.03.2019. So far you have not taken any steps to execute the documents and to avail the loan. You are requested to furnish the following Collateral security documents particulars for scrutiny the documents at the earliest.

List of documents required :- I.Doc.No.2799/2018:-

1. Original Sale deed doc.No.1401/1997
2. Original sale deed doc.No.1402/1997
3. Original sale deed doc No.242/1995
4. Mortgage deed doc.No.1426/1998
5. Receipt doc.No.685/1999

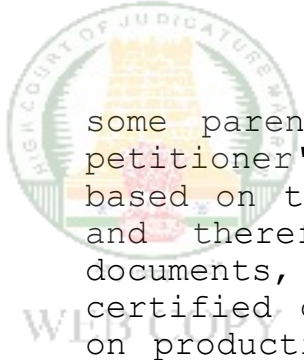
Latest Revenue Records-Original:- Present Sub-Division

6. Printed-A Register
7. Verified Original Encumbrance Certificate from 01.01.1987 to till date
8. Original E.C.No.3637/2018 from 01.01.1987 to 21.11.2018.

II.Doc.No.1024/2018

1. Original sale deed doc.No.1776/1995
2. Certificate copy of sale deed doc No.109/2006
3. Certificate copy of the sale deed doc No.154/2006
4. Certificate copy of sale deed doc No.1271/2006
5. Certificate copy of Mortgage deed doc.No.1032/2006
6. Certificate copy of receipt doc.No.2266/2008
7. Gift deed /settlement deed Karupaiah Vellar
8. Revenue records in the name of Karupaiah Vellar"

4. Having perused the said letter dated 04.06.2019, the learned counsel appearing for the petitioner, on instructions, would submit that the sale deed pertaining to the land, which is going to be placed, some mortgage document and land revenue records and all other documents are concerned, the petitioner is having the original and all those original be produced by the petitioner. Insofar as



some parent document or mother document are concerned, even the petitioner's vendor's vendor had not produced the same and only based on the certified copy, the petitioner purchased the property and therefore, wherever there is no original of the mother documents, the petitioner is ready and willing to produce the certified copy obtained from the concerned registration office and on production of the same, he wants the respondent to process the application.

5. However, the learned Standing counsel appearing for the respondents TIIC submits that, unless the original documents are filed including the parent document, the loan application cannot be processed.

6. I have considered the said submission made by the learned counsel on either side. If at all the respondents TIIC want to process the loan application only based on the original documents, certainly, it should be appreciable that such original documents insofar as the property, which is going to be mortgaged as the collateral security, they can make a demand as the original document. However, insofar as the parent documents are concerned, in most of the cases, original documents may not be available and wherever such original was not available, normally certified copy is produced.

7. In that view of the matter, this Court is of the view that, wherever parent documents in original are not available, the petitioner can make certified copy and produce the same before the respondents TIIC along with original documents pertaining to the property, which is going to be mortgaged as the collateral security and on receipt of those documents as enumerated in the letter dated 04.06.2019 issued by TIIC, as has been extracted above, let the respondents process the application of the petitioner on merits and decide the same at the earliest. The needful as indicated above i.e., undertaken by the respondents herein shall be completed within a period two months from the date of receipt of the documents mentioned in the letter dated 04.06.2019, that is, original documents, as well as the certified copy of the documents as the case may be.

8. However, if the petitioner is not ready and willing to produce the documents as indicated above i.e., those originals as well as the certified copies, it is open to the petitioner to get away from the request for getting loan from the respondents and in this regard, if any written request is specifically made, after confirming such written request, by summoning the petitioner, and getting a confirmation letter, to that effect, the loan application can be rejected out rightly as not wanted to be processed.



9. With the above direction and observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

rmk

To

1. The Principal Secretary,
Industries Department,
Government of Tamil Nadu,
St. George Fort, Chennai.
2. The District Collector,
Tirunelveli District.
3. The Managing Director,
The Tamil Nadu Industrial Investment Corporation Ltd,
No. 692, Anna Salai, Nandanam, Chennai-600 035.
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4. The General Manager,
The Tamil Nadu Industrial Investment Corporation Ltd.,
No. 692, Anna Salai, Nandanam, Chennai-600 035.
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5. The Branch Manager,
The Tamil Nadu Industrial Investment Corporation Ltd.,
No. 5C/5B, Hotel Sakuntala Shopping Complex,
1st Floor, Trivandrum Road, Vannarpettai,
Tirunelveli-627 003.

+1 CC to M/s. R. MAHESWARAN, Advocate (SR-70278[F] dated 20/06/2019)
+1 CC to M/s. SPL GP (SR-70683[F] dated 21/06/2019)

Order made in
W.P. (MD) No. 13100 of 2019

ES/10.07.2019/4P/8C