



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.15102 of 2019

M.Ilayaraja

...Petitioner

-Vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Manager,
Tami Nadu Adidravidar Housing and Development
Corporation, (TAHDCO),
Sivagangai District.

3.The Manager,
Indian Overseas Bank,
Thiruppuvanam Branch,
Sivagangai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to disburse the loan amount of Rs.6,64,214/- by taking into account the proceedings of the second respondent in Na.Ka.No.TAHDCO-2018-19-SEPY-SG-20 dated 11.10.2018 within a reasonable period of time.

For Petitioner : Ms.A.Rajini
For Respondents : M.M.Rajarajan (for R1 and R2)
Government Advocate
Mr.Pala Ramasamy (for R3)

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the third respondent to disburse the loan amount of Rs.6,64,214/- (Rupees Six Lakhs Sixty Four Thousand Two Hundred and Fourteen only) by taking into account the proceedings of the second respondent in Na.Ka.No.TAHDCO-2018-19-SEPY-SG-20, dated 11.10.2018, within a reasonable time.

2.Heard Ms.A.Rajini, learned counsel appearing for the petitioner, Mr.M.Rajarajan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.Pala Ramasamy, learned counsel appearing for the third respondent.



3.The petitioner, under the beneficial scheme being undertaken by the second respondent TAHDCO, wanted to buy a vehicle for his business, called 'Mahindra Supro ZX' and in this regard, he already obtained a quotation for a sum of Rs.6,64,214/- (Rupees Six Lakhs Sixty Four Thousand Two Hundred and Fourteen only) from 'Ashishta Motors' and the same having been approved and forwarded by the second respondent to the third respondent Bank. The third respondent Bank also, after having satisfied with the approval of the second respondent, has given the sanction of loan for a sum of Rs.6,64,214/- for purchasing the said vehicle from the said agency, by its sanctioning order, dated 30.05.2019.

4.Subsequently, it seems that, the said vehicle was not available in the market, especially in the said agency, therefore, the petitioner wanted to purchase an other vehicle called 'Maruti DZ' initially for a different rate i.e., Rs.7,54,369 (Rupees Seven Lakhs Fifty Four Thousand Three Hundred and Sixty Nine only) and subsequently, he got a quotation from the agency called 'Siva Maruti' for the very same amount of Rs.6,64,214/- and when the same was produced before the third respondent Bank, the third respondent Bank seems to have not accepted the said quotation given by 'Siva Maruti' agency for a different vehicle, on the reason that, the said quotation from 'Siva Maruti' agency for a difference vehicle has not been approved by the second respondent TAHDCO. Therefore, without an approval of TAHDCO, the Bank cannot sanction the loan. Only in that circumstances, the petitioner has approached this Court with the aforesaid prayer.

5.After having heard both sides for more than once, this Court posted the writ petition today i.e., 10.07.2019 to know as to whether the very same vehicle, for which, originally the quotation was obtained by the petitioner and approved by the TAHDCO and the loan was sanctioned, is still available in the market and if so, the petitioner can buy the vehicle, otherwise, if any new quotation has to be approved for a different vehicle, the same should be once again approved by the second respondent.

6.When the writ petition is taken up for hearing today, Ms.A.Rajini, learned counsel appearing for the petitioner submitted that, the vehicle, which was originally approved by the second respondent and sanctioned by the third respondent Bank, namely, the 'Mahindra Supro ZX' for a total value of Rs.6,64,214/- is very much available in the market i.e., in the show room of Mahindra Company itself, from whom, the petitioner can purchase the vehicle.

7.For the said submission of the learned counsel for the petitioner, the learned counsel for the third respondent Bank submitted that, if at all, the petitioner wants to purchase the vehicle from a new agency, the same has to be formally approved by the TAHDCO, because, ultimately loan amount to be sanctioned by the third respondent Bank has to be paid to the agency directly and



therefore, for the said purpose, the subsidy releasing agency i.e., the second respondent has to give the formal approval for purchasing the same vehicle, from new agency and therefore, let the petitioner make an application to the TAHDCO with this request and once such request is approved by the TAHDCO and forwarded to the Bank, the Bank shall release the fund, as has been sanctioned already, of course, to the new agency.

8.The learned counsel appearing for the first and second respondents would also submit that, if such a formal request is made by the petitioner, the same would be considered and necessary order would be passed directly to the Bank to clear the loan for purchasing the very same vehicle for the very same amount from a different agency.

9.I have considered the said submission made by the learned counsel appearing for the parties. Having regard to the said submissions, this Court is inclined to dispose of this writ petition with the following directions:-

"that the petitioner shall make a request along with the quotation to be obtained from the new agency for the very same vehicle i.e., 'Mahindra supro ZX' for the very same amount of Rs.6,64,214/- to the second respondent at the earliest and once such a request is made, let the second respondent scrutinize the same and give a formal approval. Such an approval order shall be forwarded to the third respondent Bank, within a period of two weeks from the date of such request made by the petitioner and on receipt of such approval letter from the TAHDCO i.e., the second respondent, the third respondent Bank shall release the loan amount of Rs.6,64,214/- for purchasing the 'Mahindra supro ZX' from a new agency to be identified by the petitioner, as approved by the second respondent, within a period of two weeks, thereafter."

No costs.

Sd/-

Assistant Registrar(AD-I)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Manager,
Tami Nadu Adidravidar Housing and Development
Corporation, (TAHDCO),
Sivagangai District.



+1 CC to M/s.A.RAJINI, Advocate (SR-74395[F] dated 10/07/2019)

+1 CC to M/s.PALA.RAMASAMY, Advocate (SR-75144[F] dated 12/07/2019)

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W.P. (MD) No.15102 of 2019

RMK

JM/06.08.2019/4P-5C