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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3996 of 2016

and

W.M.P. (MD) No. 3589 of 2016

Kumar

... Petitioner

Vs.

1. The District Manager,
Tamil Nadu Adi Dravidar Housing and
Development Corporation, (TAHDCO),
Tirunelveli.

2. The Branch Manager,
Indian Bank,
Tatchanallu Branch,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to Mandamus, to call for the records relating to the second respondent impugned order dated 31.12.2015 and quash the same as illegal and consequently, direct the second respondent to sanction to the Tourist Vehicle Loan the tune of Rs.5,25,413/- to the petitioner under the scheme of Self Employment Programme for Youth (SEPY) 2015-2016 (TAHDCO).

For Petitioner	: Mr. G. Thalaimutharasu
For R1	: Mr. J. Gunaseelan Muthiah
For R2	: Mr. D. Rajkumar

ORDER

Heard the learned counsel on either side.

2. The writ petitioner belongs to the downtrodden community. He applied for vehicle loan for purchasing a tourist vehicle. The petitioner's case was sponsored by the first respondent Corporation. The first respondent Corporation found that the petitioner is eligible for a sum of Rs.7,86,000/- and sanctioned subsidy for a sum of Rs.1,25,000/- on 14.09.2015. When the proposal was placed before the second respondent Bank, the second respondent bank returned the application for the reason that the proposal was not viable.

3. I am of the view that the commercial decision taken by the second respondent Bank cannot be interfered with. But then, the learned counsel appearing for the petitioner stated that the petitioner would offer immovable property security to the satisfaction of the second respondent Bank.



4. Since the petitioner is coming forward to give immovable security and that too to the satisfaction of the second respondent Bank, I am of the view that the second respondent need not feel shy of granting loan.

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5. As already pointed out, this petitioner belongs to a downtrodden community and his case has been recommended by the TAHDCO. Therefore, the petitioner is permitted to once again resubmit the application to the second respondent. Since the first respondent had already sponsored the case of the petitioner, the first respondent will not be justified in going back citing efflux of time. The petitioner shall approach the first respondent within a period of one week from the date of receipt of a copy of this order. The first respondent shall forward the application to the second respondent within a period of two weeks thereafter. The second respondent shall disburse the loan within a period of four weeks thereafter subject to the petitioner furnishing immovable security to the satisfaction of the second respondent.

6. The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1. The District Manager,
Tamil Nadu Adi Dravidar Housing and
Development Corporation, (TAHDCO),
Tirunelveli.

2. The Branch Manager,
Indian Bank,
Tatchanallu Branch,
Tirunelveli District.

+1 CC to M/s. SPL GP (SR-55655[F] dated 21/03/2019)

+1 CC to M/s. G. GANGAI AMARAN, Advocate (SR-55775[F] dated
21/03/2019)

+1 CC to M/s. D. RAJ KUMAR, Advocate (SR-55722[F] dated 21/03/2019)

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