



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.12.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.15942 of 2015

WEB COPY

1.P.Selvaraj
2.Shankar
3.Krishnamoorthy
4.Rengammal

... Petitioners

vs.

1.The Chief / Senior Manager,
Indian Overseas Bank.
Kulithalai Branch, Karur District.

2.The Branch Manager,
Indian Overseas Bank,
Kadavur Branch (1371),
Kadavur Taluk, Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to disburse the Agri Green Scheme Loan for a limit of Rs.6,00,000/- (Rupees Six Lakhs only) to the petitioners as per the respondents sanction letter, dated 13.02.2015.

For Petitioners : Mr.K.Ashok Kumar Ram
For R1 and R2 : Mr.N.Dilip Kumar

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, to direct the respondents to disburse the Agri Green Scheme Loan for a limit of Rs.6,00,000/- to the petitioners as per the respondents' sanction letter, dated 13.02.2015.

2.In the affidavit filed in support of this petition, it is stated that the deponent has filed the affidavit on his behalf and on behalf of the other petitioners. The petitioners state that they are owners of 3.13 acres of land in various survey fields and that the lands were inherited from their father, who died on 16.12.2009. It is further stated that the petitioners have approached the second respondent for an agricultural loan under the scheme known as "Agri Green Scheme (work of land levelling, pipe line laying, water storage bunding and irrigation of plants).

3.Though the first respondent approved the loan for a sum of Rs.6,00,000/- with the condition that the entire loan should be



repaid in annual instalments extending upto 7 years, it is stated by the petitioners that the loan was not disbursed for no valid reason. Hence, they approached this Court with the present Writ Petition.

4.The learned Counsel for the respondents produced before this Court, the copy of a legal notice, dated 28.02.2015. The legal notice was issued on behalf of the petitioners 3 and 4 calling upon the respondents not to advance any loan on the basis of the security promised by the petitioners 1 and 2. The unwillingness of the petitioners 3 and 4 to advance any kind of loan to the petitioners 1 and 2 is expressed in unequivocal terms. When some of the petitioners have specifically taken a stand that no loan should be advanced on the basis of the security promised by petitioners 1 and 2, this Court is unable to see any *bona fide* in the present Writ Petition.

5.The petitioners 3 and 4, who have given a legal notice earlier on 28.02.2016, have joined the petitioners 1 and 2 in the present Writ Petition seeking for a Mandamus. The petitioners have not even explained in the affidavit filed in support of this petition, the circumstances, under which, they have earlier issued legal notice to the Bank not to advance any loan or accept the security. In such circumstances, this Court is not inclined to entertain this Writ Petition.

6.Accordingly, this Writ Petition is dismissed. No costs. However, it is open to the petitioners to approach the Bank afresh. If a fresh application is filed by the petitioners jointly, the same shall be considered by the respondent Bank uninfluenced by the legal notice or the order dismissing the present Writ Petition.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

cmr

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-104475[F] dated 11/12/2019)

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MK (31.12.2019) 2P 2C