



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6800 of 2013 and  
M.P.No.1 of 2013

V.S.Chinnakulandai

.. Petitioner

..Vs..

- 1.The Tamil Nadu Khadhi and Village Industries Board,  
Rep. by its Chief Executive Officer,  
Kuralagam, Chennai-108.
- 2.The Tamil Nadu Khadhi and Village Industries Commission,  
Rep. by its Commissioner,  
Avvai Shanmugam Road,  
Gopalapuram, Chennai-86.
- 3.The Branch Manager,  
Indian Bank Vallam Branch,  
Villupuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned communication in Ma.Ku.Vu.Mu.No.24867/C3/2013 dated 03.01.2013 sent by the 1<sup>st</sup> Respondent to the petitioner herein, and quash the same and consequently direct the Respondents 1 and 2 herein to sanction the margin money eligible for the Petitioner herein as mentioned in Lr.Rc.No.27680/C3/2007 dated 12.03.2008 immediately in compliance with circular in REGP/Gen/M-34/07-08 dated 28.03.2008.

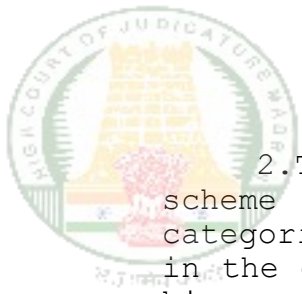
For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.C.Selvaraj (for R1 and R2)  
Additional Government Pleader

Mr.J.Pazhani Karthik (for R3)  
For M/s.Karush Associates

O R D E R

The order of rejection dated 03.01.2013, rejecting the claim of the petitioner for grant of subsidy is under challenge in the present writ petition.



2.The main ground raised by the petitioner is that the scheme letter issued by the first respondent dated 12.03.2008 categorically states that the petitioner is entitled for subsidy in the event of availing the loan. The petitioner also submitted his application within the time limit and availed the loan. However, a subsidy benefit has not been extended on the ground that the loan was sanctioned after 31.03.2008, which is the cut of date.

3.The learned counsel for the petitioner states that when the scheme letter categorically states that the petitioner is entitled for the subsidy, the benefit cannot be denied to him. According to him, even in circular dated 28.03.2008, it is stated that all efforts to be made to ensure that all pending margin money schemes for REGP project sanctioned upto 31.03.2008 are expeditiously examined and settled by 30.04.2008. When such a circular was issued, the bank has delayed sanctioning of loan, however, the entitlement confirmed in the scheme letter cannot be denied to the petitioner.

4.This Court is of the considered opinion that, admittedly, the loan was sanctioned by the Indian Bank in favour of the petitioner on 29.04.2008. However, the cut of date for availing the benefit of subsidy was 31.03.2008. It is not made clear whether the loan was sanctioned with delay at the instance of the bank or at the instance of the petitioner. In the absence of all these factors, this Court cannot form an opinion that the petitioner is entitled for subsidy amount. It is possible some times, the sanctioning of loan is being denied on account of administrative reasons on the part of the bank, equally for non-production of certain documents also causes delay in sanctioning of loan.

5.However, these facts are to be verified by the bank and this Court at this length of time cannot enter into such an adjudication as the cut of date was 31.03.2008 and admittedly, the loan in favour of the petitioner was sanctioned on 29.04.2008. Thus, the petitioner is not entitled for the relief and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vs



To

1. The Executive Officer,  
The Tamil Nadu Khadhi and Village Industries Board,  
Kuralagam, Chennai-108.
2. The Commissioner,  
The Tamil Nadu Khadhi and Village Industries Commission,  
Avvai Shanmugam Road,  
Gopalapuram, Chennai-86.
3. The Branch Manager,  
Indian Bank Vallam Branch,  
Villupuram District.

+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No.62163

W.P.No.6800 of 2013 and  
M.P.No.1 of 2013

GPL (CO)  
CT 10/12/2021