



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24560 OF 2019

S. Jothivel,  
Proprietor,  
Sri Rajeshwari Modern Rice Mill,  
No.1, Thirukovil Main Road,  
Thiyagdurgam, Kallakurichi Taluk,  
Villupuram District-606 206.

...Petitioner

Vs

1. The Corporation Bank,  
Rep by its Branch Manager,  
Madur Branch,  
Ground Floor, 502, Salem Main Road,  
Madur-606 206.
2. The Banking Ombudsman,  
Office of the Banking Ombudsman,  
Reserve Bank of India Building,  
Floor II, No.16, Rajaji Salai,  
Chennai-600001.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1<sup>st</sup> Respondent to pay the amount of Rs.8,09,400/- with simple interest on the basis of the award of the 2<sup>nd</sup> Respondent/Banking Ombudsman dated 06.08.2018 in Ref.No.BO(Che/C-6269/2017-18/1193).

For petitioner : Mr.B.Lenin Balu

For Respondents : Mr.S.Sethuraman for R1,  
No Appearance for R2.



## ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus, directing the 1<sup>st</sup> Respondent to pay the amount with simple interest as awarded by the 2<sup>nd</sup> Respondent/Banking Ombudsman dated 06.08.2018.

2. The case of the petitioner is that who is running a Rice Mill in the name and style of Sri Rajeswary Rice Mill at Thiyyagadurgam, had availed cash credit and term loan from the 1<sup>st</sup> Respondent bank, in the year 2000, for purchase of machineries. At the time of applying for loan, he also applied to get subsidy from District Industrial Centre (DIC). While being so, the petitioner was informed by the Manager of the 1<sup>st</sup> Respondent bank that his request for subsidy was rejected based on which the petitioner had repaid the entire loan amount. Further, in the 2016, the petitioner had availed cash credit and term loan from Andhra Bank of Kallakurichi Branch, at that time, he once again applied for subsidy from DIC and the same was rejected for the reason that the 1<sup>st</sup> Respondent had already claimed a sum of Rs.8,09,400/- towards subsidy from DIC.

3. Thereafter, the petitioner had enquired the 1<sup>st</sup> Respondent bank with regard to the same, but the petitioner was not provided with the information sought for. Therefore, the petitioner made a complaint to the Ombudsman, Chennai with regard to subsidy amount and after conducting enquiry, the Ombudsman directed the 1<sup>st</sup> Respondent bank to credit the subsidy amount of Rs.8,09,400/- to the petitioner's account vide letter dated 06.08.2018, however, till date no action has been taken on the same. Hence, the present Writ Petition is filed seeking the above relief.

4. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1<sup>st</sup> Respondent to pay the amount of Rs.8,09,400/- to the petitioner's account pursuant to the award passed by the 2<sup>nd</sup> Respondent on 06.08.2018, within a particular time frame fixed by this Court.

5. The learned counsel for the 1<sup>st</sup> Respondent submits that the 2<sup>nd</sup> Respondent/banking Ombudsman, without informing the 1<sup>st</sup> Respondent, with regard to the complaint raised by the petitioner had issued a letter dated 06.08.2018 to the petitioner stating that the 1<sup>st</sup> Respondent bank is directed to deposit a sum of Rs.8,09,400/- to the petitioner's account. Further, after filing of the present Writ Petition, the 1<sup>st</sup> Respondent bank sent letter dated 08.11.2019 requesting to furnish the details with regard to the award passed in the



matter for which the 2<sup>nd</sup> Respondent informed that no award has been passed. But, the direction dated 17.05.2018 has been given to the Nodal Officer of the 1<sup>st</sup> Respondent bank to credit the subsidy amount to the petitioner's account.

WEB COPY

6. Heard the learned counsel on the either side and perused the materials available on record.

7. Though very many contentions have been raised, in view of the fact that the 2<sup>nd</sup> Respondent/Ombudsman has passed an order, which has not been challenged by the 1<sup>st</sup> Respondent till date, this Court without going into the merits of the case, directs the 1<sup>st</sup> Respondent bank to implement the orders of the 2<sup>nd</sup> Respondent dated 06.08.2018 and 17.05.2018 within a period of six weeks from the date of receipt of a copy of this order. This Writ Petition is accordingly disposed of with the aforesaid direction. No costs.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Corporation Bank,  
Rep by its Branch Manager,  
Madur Branch,  
Ground Floor, 502, Salem Main Road,  
Madur-606 206.
2. The Banking Ombudsman,  
Office of the Banking Ombudsman,  
Reserve Bank of India Building,  
Floor II, No.16, RajajiSalai,  
Chennai-600001.

+1cc to Mr.S.Sethuraman, Advocate, S.R.No.64149

+2ccs to Mr.B.Lenin Balu, Advocate, S.R.No.64294, 64230

W.P.No.24560 of 2019

SSI (CO)  
RLP (12/01/2022)