



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021
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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 29889 of 2019
and
W.M.P.No.29793 of 2019

A.Kalaiyarasi

..Petitioner

Vs

1. The District Collector,
Villupuram District Collectorate,
Villupuram - 605 602.
2. The District Manager/Deputy Collector,
Tamil Nadu Adi Dravidar Housing and Development Corporation,
(TAHDCO), Villupuram District Collecteroate,
Villupuram - 605602.
3. The Lead District Manager
Indian Bank, Villupuram Branch,
Villupuram District.
- 4.The Branch Manager,
Indian Bank, Villupuram Branch,
Villupuram District.
- 5.The Branch Manager,
Indian Bank, Madukkarai Branch,
Pondicherry

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of CERTIORARIFIED MANDAMUS or any other Writ or order or direction in the nature of writ, calling for the records of the order dated 12.06.2017 passed by the 4th respondent whereby rejecting the petitioner loan application dated 11.11.2014 and quash the same consequently direct the respondents to sanction loan amount by considering the petitioner application dated 11.11.2014.



For Petitioner	:	Mr. P.Suresh Babu
For Respondent R1	:	Mr. M.R.Gokulkrishnan
For Respondent R4	:	Mr.V.Kalyanaraman
For Respondent R2, R3&R5	:	No Appearance

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O R D E R

This writ petition has been filed for issuance of Writ of CERTIORARIFIED MANDAMUS or any other Writ or order or direction in the nature of writ, calling for the records of the order dated 12.06.2017 passed by the 4th respondent whereby rejecting the petitioner loan application dated 11.11.2014 and quash the same consequently direct the respondents to sanction loan amount by considering the petitioner application dated 11.11.2014.

2.The case of the petitioner is that, the petitioner belong to Scheduled Caste and economically backward class. The petitioner being a home maker, in order to improve her family economic status, she planned to open Browsing Center since she completed compute course. In order to open the browsing center in her area, the estimated cost to set up the Browsing Center is Rs.8,00,000/-. Hence, she decided to apply through TAHDCO to get loan with subsidy to set up the browsing center. Accordingly, the petitioner applied to TAHDCO under Self Employment Programme for Youth(SEPY) on 11.11.2014 by Online to get loan from Indian Bank and to get subsidy under the scheme, since she had account in the Indian Bank at Koliyanur Branch, Villupuram District. In respect of petitioner's application she was called for enquiry by the 2nd respondent on 06.01.2015 and to attend the interview on 20.01.2015. Accordingly, the petitioner attended the interview and she was selected and recommended to the Indian Bank Branch by the 1st respondent and the same was intimated on 18.10.2015. However, the letter was marked to the wrong branch namely Madukkarai Indian Bank branch. Further, the petitioner intimated to the 2nd respondent and the mistake was rectified and the recommendation was issued to the 3rd respondent through letter dated 13.02.2016 by the 2nd respondent. Though, the 3rd respondent received the recommendation from the 2nd respondent till date no loan was sanctioned nor rejected the loan application. However, the 3rd respondent directed the petitioner to come another day and the loan application was kept pending. The 3rd respondent did not sanction the loan and not rejected the petitioner's loan application against which the petitioner approached the 1st respondent on 23.01.2017. However no action was taken. Hence, the petitioner approached the National Commission for Scheduled



Caste for denial of TAHDCO loan and subsequently filed a writ petition in W.P.No.30080 of 2017 and the same was disposed by the order dated 26.02.2018 by directing the 3rd respondent to consider the application of the petitioner dated 11.11.2014 for grant of such loan. On receipt of the order of this Court and the same has communicated by the petitioner to the 3rd respondent on 21.03.2018. Even thereafter, the 3rd respondent has not passed any order. Hence, the petitioner filed contempt petition before this Court in Cont.P.No.2453 of 2018 and the same was closed on 06.12.2018 by observing that based on the orders of this Court, the loan application was already returned by the District Manager, TAHDCO Office, Madukarai Branch and the said order was directed to be communicated to the petitioner. Thereafter, the said order was communicated on 07.11.2019 by way of notice to both the branch managers, but the branch managers did not communicate the same to the petitioner and dragged the issue. Therefore, , the petitioner again filed another Contempt petition in Cont.P.No.653 of 2019 for non-compliance of the order made in Cont.P.No.2453 of 2018 and thereafter the respondent bank produced the impugned order copy dated 12.06.2017. Recording the same, subsequent contempt petition was closed on 09.04.2019. Challenging the impugned order dated 12.06.2017, the present writ petition is filed.

3. Mr.P.Suresh Babu, learned counsel appearing for the petitioner reported no instructions from the petitioner and submits that already the petitioner collected the case bundles from him.

4. In view of the pendency of the case and the petitioner not coming forward to prosecute the case, this Court is inclined to pass orders with the available records.

5. Mr.V.Kalyanasundaram, learned counsel appearing for the 4th respondent submits that Form III notice was issued by the 5th respondent (Madukarai Branch) and further the petitioner residing at V.Mathur, Vikravandi Taluk, which is not coming under the service area of the 3rd respondent and on the said ground the petitioner loan application was returned to TAHDCO officials for forwarding it to the Jurisdiction branch and the 3rd respondent did not reject the loan application. The petitioner approached the TAHDCO for forwarding the loan application to the Jurisdiction bank where the petitioner is residing. In view of the above, without approaching the TAHDCO officials for forwarding the loan application to Jurisdiction branch, filing of writ petition is not sustainable one. Accordingly, he prayed for dismissal of writ petition.



6. A perusal of materials reveal that admittedly, the petitioner applied subsidy to the TAHDCO officials. Further, the TAHDCO officials recommended the petitioner's application to the Madukarai Branch and thereafter recommended to the 3rd respondent branch. The 3rd respondent branch returned the petitioner's loan application on the ground that the petitioner's area is not coming under their service area. Further, the 3rd respondent has not rejected the petitioner's application but returned the application to the TAHDCO officials for forwarding it to the Jurisdiction branch.

7. Considering the facts and circumstances of the case, admittedly loan application was not rejected by the 3rd respondent. In view of the above, since the third respondent claims that the petitioner village is not coming under service area of the 3rd respondent bank. and in view of the existing guidelines of RBI relating to loan application form, Bargaining money, security forms and relating to area population, it is only the jurisdiction branch which can process the loan

8. In such view of the matter, this Court directs the 2nd respondent to forward the loan proposal of the petitioner if available to the service branch where the petitioner is residing for processing the loan.

9. With the above observations, the writ petition is disposed of and Consequently Connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sma

To

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Villupuram - 605 602.
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+1 CC to The Government Pleader sr 60652.

W.P. No. 29889 of 2019
and
W.M.P.No.29793 of 2019

SMI (CO)
SP(04/01/2022)