



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.2970 of 2017

M.Manivannan

...Petitioner

..Vs..

1.Canara Bank

Rep by its
Branch Manager,
Nainarpalayam Branch,
Salem Cuddalore Main Road,
Chinnasalem Taluk,
Villupuram District,
Tamil Nadu - 606 301.

2.The District Manager

TAHDCO.,
Villupuram

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to issue orders for sanction the loan as per the Form III issued by the 1st respondent under the EDP No. 1667 issued by the 2nd respondent dated 23.07.2015.

For Petitioner : M/S.D.Bharathy

For R1 : Mr.R.Jagadeesan

For R2 : No appearance

O R D E R

The present Writ Petition has been filed seeking a Mandamus, to direct the respondents to issue orders for sanction the loan as per the Form III issued by the 1st respondent under the Entrepreneur Development Programme (EDP) No. 1667 issued by the 2nd respondent dated 23.07.2015.

2. The contention of the petitioner is that the petitioner belongs to Scheduled Castes and down-trodden community and he has worked nearly for 8 years as daily wages labour in Canara



Bank. Subsequently, he applied for TAHDCO loan under Entrepreneur Development Programme during the year 2014. The 2nd respondent/TAHDCO also recommended the petitioner's name for loan vide EDP No.1667. For the purpose of the said loan, the project cost was fixed as Rs.5,00,000/- and towards the petitioner's promoter contribution was fixed as Rs.25,000/- and the subsidy fixed by the 2nd respondent was at a sum of Rs.1,50,000/- as well as the loan from the Bank/1st respondent for a sum of Rs.3,25,000/-.

3. Under these circumstances, the subsidy amount was sanctioned to the 2nd respondent. Subsequently the Bank/1st respondent has sent a Form III to the 2nd respondent seeking to send a copy of the subsidy release order since the loan could be disbursed only after getting the subsidy release order. However, till date the 2nd respondent has not sent the subsidy release order. Therefore, the Bank/1st respondent is not in a position to release the loan amount without the subsidy release order.

4. In reply, the learned counsel for the 1st respondent would submit that they had already acted upon in accordance with the rules and regulations. Accordingly, Form III was sent by the Bank/1st respondent to the 2nd respondent seeking a copy of the subsidy release order so that the loan could be disbursed after getting the subsidy release order. The 2nd respondent has not sent the same and therefore the Bank/1st respondent did not release the loan. However, the learned counsel appearing for the 1st respondent submits that once after the subsidy order is received, they would be in a position to release the loan to the petitioner.

5. Heard both the learned counsel for the petitioner and the learned counsel for the respondent.

6. On perusal of the documents, it appears that the subsequent subsidy release order was approved by the 2nd respondent. However, the Bank/1st respondent has sent the Form III requesting the 2nd respondent to send a copy of the subsidy release order. The 2nd respondent till date has not sent the copy of the subsidy release order. In these circumstances, the 1st respondent is not in a position to release the loan amount. Unfortunately, this Writ Petition was filed in the year 2017. After notice was served, the 2nd respondent has not shown any interest to appear before the Court either in person or through their representative.

7. Having heard the learned counsel for the petitioner and the 1st respondent and on consideration of the facts and circumstances, this Court feels it appropriate to direct the 2nd



respondent to send the Form III along with a copy of the subsidy release order to the 1st respondent/Bank so as to enable the 1st respondent to disburse the loan to the petitioner.

8. Accordingly, this Court directs the 2nd respondent to send the Form III along with a copy of the subsidy release order within a period of three weeks from the date of receipt of a copy of this Order and on receipt of the same, the Bank shall take necessary steps to release the loan amount to the petitioner without any further delay.

9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

jd/mdl

To

1.The Branch Manager,
Canara Bank,
Nainarpalayam Branch,
Salem Cuddalore Main Road,
Chinnasalem Taluk,
Villupuram District,
Tamil Nadu - 606 301.

2.The District Manager
TAHDCO.,
Villupuram.

+1cc to Mr.D.Bharathy, Advocate Sr.No.66057 (24/02/2022)

W.P.No.2970 of 2017

SR-II(CO)
RVM(13/12/2021)