



WEB COPY



WP.No.32096 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP.No.32096 of 2015

Mr.P.Ariyappan

...petitioner

Vs.

1. The District Collector,
Thiruvallur,
Thiruvallur District.
2. The Deputy General Manager,
Regional M.S.M.E. Center,
Office of Chennai Division, U.C.O. Bank,
No.328, Thambu Chetti Street,
Chennai 1.
3. The Branch Manager,
U.C.O. Bank,
Perambakkam 631402.
4. Tamil Nadu Adi-Dravida Housing
and Development Corporation (TAHDCO),
Thiruvallur,
Thiruvallur District.

...respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution



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of India, seeking for a Writ of Mandamus, directing the third respondent to expedite the process of disbursing the approved loan proposal of the petitioner as such sanctioned and forwarded by the 4th respondent in Form-III, by a letter in /A1, E.D.P. 534/2014, dated 19.03.2014 within a time frame limit that may be fixed by this Court.

For Petitioner : Mr.K.Siva,
for M/s.P.G.Thiyagu

For Respondents : No Appearance

ORDER

This Writ Petition is for issuance of a Writ of Mandamus, directing the third respondent to expedite the process of disbursing the approved loan proposal of the petitioner as sanctioned and forwarded by the 4th respondent by a letter dated 19.03.2014 within a time frame limit that may be fixed by this Court.

2. The case of the petitioner is that he submitted an application to the fourth respondent on 26.12.2013 to get a loan to start the business of centering work. After inviting the petitioner for interview, an approval letter-cum-statement of Form III was issued by the fourth respondent to the petitioner. The petitioner after getting approval of the said project, had



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approached the third respondent, but the third respondent did not consider the application of the petitioner and it is stated that he has been made to run between pillar and post. In this regard, he submitted a representation to the District Collector as he is the Controller and Administrator of implementing the Project.

3. The fourth respondent is a Corporation and a Statutory body to administer the funds allotted by the Government for implementing various Schemes and projects for the development and upliftment of the socially backward community people. It is stated that the project for which the petitioner sought assistance has been sanctioned by the fourth respondent. The fact that the petitioner is selected as a beneficiary of a Scheme and it is to be administered by the fourth respondent, does not mean that every financial institution is required to release the loan as if they have no discretion. However, the learned counsel appearing for the petitioner and the petitioner in the affidavit filed in support of the petitioner seem to think that the respondents 3 and 4 have no discretion in the matter of granting loan.



4. This Court is unable to sustain the arguments of the learned counsel for the petitioner that the third respondent is bound to grant loan on the basis of the recommendation of the fourth respondent finding that the petitioner is eligible for the project. Further, the learned counsel for the petitioner is unable to now report before this Court about the status of the proposed project of the petitioner.

5. The petitioner has come before this Court on the basis of the fourth respondent's letter dated 19.03.2014. The said communication, only indicates that the fourth respondent requested the third respondent to take appropriate action to submit the claim for subsidy or the reason for rejection of the application. The said communication clearly indicates the discretion of the third respondent and therefore, this Court is unable to entertain this Writ Petition.

6. Normally, a Writ Petition will lie only against any Government machineries or instrumentalities of State if it satisfies the definition of State under Article 12 of the constitution of India. The third respondent is not a Government or local or other authority amenable under



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Article 226 of the Constitution of India. Unless the third respondent is stated to be impregnated with any public functions, in a matter relating to disbursement of loan or consideration of the application of any individual borrowers, this Court is not competent to issue any direction. Therefore, this Court is not inclined to entertain the Writ Petition. Hence, the Writ Petition is dismissed for the reasons stated earlier. No costs.

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Index : Yes/No
pvs

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