



W.P. No.4643 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.4643 of 2019

G.Manikandan

.....Petitioner

VS.

1.The Chief General Manager
Indian Overseas Bank (IOB)
No. 763, Anna Salai
Chennai -2.

2.The Regional Manager,
Indian Overseas Bank,
No.324, Sri Krishna Plaza
R.T.O. Road, Phase III,
Sathuvachani,
Vellore
Pincode -632 00

3.The General Manager,
District Industries Centre (DIC)
Thiruvannamalai.

4,The Branch Manager,
Indian Overseas Bank,
No.179/G, Karungalikuppam Road
Kilpennathur
Thiruvannamalai District
Pincode 604 601,

.. Respondents



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PRAYER :Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 4th respondent on 19.11.2018 and quash the same and consequently direct the 4th respondent to grant the loan amount to the tune of Rs.25,00,000/- (Rupees Twenty five Lakhs only) to start the R.O. Mineral Water Plant to the petitioner.

For Petitioner : Mr. Murugesan.K
For Respondents : Ms.Ananda Gomathy R4
RR1 & 2 No appearance

ORDER

The petitioner has filed this petition seeking to quash the impugned order passed by the 4th respondent on 19.11.2018 and consequently, direct the 4th respondent to grant loan amount to the tune of Rs.25,00,000/- (Rupees Twenty five Lakhs only) to start the R.O. Mineral Water Plant to the petitioner.



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2. The case of the petitioner is that he has successfully completed

10th standard and working in a R.O. Mineral Water Plant as Technician in Chennai. The petitioner have more experience in the Field of R.O. Mineral Water Plant such as manufacturing, administration, marketing and handling clients etc, Therefore, the petitioner decided to start own industry but the petitioner have no huge amount of money, therefore the petitioner approached the 3rd respondent for loan Assistance and also obtained legal opinion, valuation report for the property, quotation and project report for the tune of Rs.25,00,000/- (Rupees twenty five lakhs only). On 03.1.2018, the petitioner submitted a loan application before the 3rd respondent under Prime Minister Employment Generation Programme (PMEGP). The 3rd respondent also conducted an interview on 03.11.2018 and the petitioner was successfully selected by the 3rd respondent for getting loan. On 9.3.2018, the District Level Task Force Committee (DLTFC) has approved his proposal under PMEGP Scheme of Government respondent forwarded his application.



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3. However, the 4th respondent rejected petitioner's application after finishing all the basic works including the deposits of titles with him on 19.11.2018, on the following ground that (i) The petitioner have no experience in the proposed line of activity ii) The area being rural, demand for mineral water is very less and the completion is more and as such project viability is doubtful. iii) The project is proposed to established in a rural and agricultural land, zone conversion has not taken place iv) loan for machinery cannot be released before construction of building, v) Unrealistic projection submitted.

4. Again on 21.11.2018, the petitioner made a representation to the respondents 1, 2 & 4 for taking necessary steps to grant the loan amount for the tune of Rs.25,00,000/- but no respondents did not take any action till the date. Challenging the said order dated 19.11.2018, the present writ petition has been filed.



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5. The learned counsel for the petitioner submitted that at the time of submitting the application for getting loan, the petitioner has annexed his property documents and after lapse of five years, the documents have not returned to the petitioner. Still the documents are with the 4th respondent Bank. Therefore, this Court, without going into the merits of the case, may issue a direction to the 4th respondent to return the petitioner's document within the stipulated time as fixed by this Court and also this Court may grant liberty to the petitioner to make a fresh application for getting loan.

6. The learned Standing Counsel appearing for the 4th respondent submitted that the petitioner has not come forward to collect his document. However, the said documents will be returned to the petitioner within a period of two weeks.

7. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the 4th respondent and perused the materials available on record.



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8. In such view of the matter, this Court, without interfering with the impugned order, directs the 4th respondents to return all the document, which was annexed with the application, to the petitioner within a period of two weeks from the date of receipt of a copy of this order. However, liberty is granted to the petitioner to make a fresh application along with all the necessary document either the respondent Bank or any other nationalized Bank.

9. With the above directions, the writ petition is disposed of. No costs.

09.03.2023

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Index : Yes / No

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M.DHANDAPANI, J.

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