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W.P.No.25101 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.25101 of 2018

G.Prabhakaran

... Petitioner

Versus

1. The District Collector,
O/o. The District Collector,
Nagapattinam District.
2. The District Manager,
Tamil Nadu Adi Dravidar Housing and
Development Corporation,
No.21, A.S.P.Tower,
Neelammal Vendapokki Street,
Nagapattinam – 611 001.
3. The Branch Manager,
Bank of Baroda, Mayiladuthurai Branch,
Mayiladuthurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 2nd respondent Na.Ka.No.A2/1787/2016 dated 22-06-2017 and quash the same and consequently direct the 2nd and 3rd respondent to consider the petitioners application for sanction of car loan under the Subsidy Scheme of TAHDCO as per the Nodel Order No.A2/020-2016 EDP NP-894-2014-15 dated 21-09-2016 of the 2nd



respondent.

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For Petitioner : Mr.M.Elumalai
For R1 : Mr.M.Muthusamy,
Government Advocate
For R2 : Mr.M.Mathiyalagan
For R3 : Mr.S.Ranjith Kumar

ORDER

The Writ Petition has been filed in the nature of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent/the District Manager, Tamil Nadu Adi Dravidar Housing and Development Corporation at Nagapattinam in Na.Ka.No.A2/1787/2016 dated 22.06.2017 and quash the same and direct the 2nd and 3rd respondents particularly, the 3rd respondent/the Branch Manager, Bank of Baroda, Mayiladuthurai Branch, Mayiladuthurai to consider the application of the petitioner for sanction of car loan under the subsidy scheme of TAHDCO as per the Nodel Order No.A2/020-2016 EDP NP-894/2014-15 dated 21.09.2016 of the 2nd respondent.

2. The issue is very simple. The petitioner was granted sanction of



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loan to purchase the Tourister vehicle namely a four-wheeler. The 3rd respondent as a Bank has to disburse the amount, provided the petitioner provides whatever documents required.

3. The 3rd respondent had not responded to the representation of the petitioner. The order sanctioning loan by the 2nd respondent/the Managing Director, TAHDCO, is dated 21.09.2016. By that order, a loan of Rs.6,63,199/- was sanctioned and an obligation was cast upon the 3rd respondent/Bank of Baroda to disburse the said loan amount. Since the 3rd respondent did not disburse the amount, the petitioner filed W.P.No.9597/2017. A learned Single Judge of this Court, by an order dated 20.04.2017 had directed the Bank of Baroda, who was the 3rd respondent therein to examine the representation of the petitioner and to pass necessary orders on merits.

4. Again, the 3rd respondent did not disburse the amount on the ground that the wife of the petitioner was a member of a Self Help Group, and the said Self Help Group had obtained loan of Rs.50,000/- and for which, a sum of Rs.3,600/- was due to be paid by the petitioner's wife.



That due amount of Rs.3,600/- had been paid on 13.07.2017 and the 3rd respondent/Bank of Baroda had themselves issued a Certificate that she had paid back the said amount. Even after that discharge, the 3rd respondent had not disbursed the loan amount.

5. The attitude of the 3rd respondent calls for condemnation by this Court. The Branch Manager, must have some consideration to the woes of a common citizen. Not everybody can purchase a car. When the TADCHO, had, after examining the records, determined that the petitioner was eligible to be sanctioned such an amount, the 3rd respondent should have called upon the petitioner to provide the documents required and should have sanctioned the loan. They had delayed the matter for nearly about seven years as on date. The value of any vehicle would have increased and this has only put additional loss and suffering to the petitioner herein. The agony suffered by the petitioner can be easily visualized.

6. The Writ Petition stands allowed. A direction is given to the 2nd and 3rd respondents to immediately sanction the loan of Rs.6,63,199/- and



if the value of the vehicle had increased, the petitioner may submit a representation to the 2nd respondent for the corresponding increase in the sanctioned amount. If it is done so, the 2nd respondent is under obligation to allot such further amount as is required for the purchase of a Tourist vehicle and the loan amount should be disbursed by the 3rd respondent, provided the petitioner produces necessary documents as are required.

7. Since the 3rd respondent had deliberately delayed the payment of the loan amount, I would impose costs of Rs.25,000/- [Rupees Twenty Five Thousand only] on the 3rd respondent to be paid to the District Legal Services Authority at Nagapattinam.

8. With the said observations, the Writ Petition stands allowed with costs of Rs.25,000/- [Rupees Twenty Five Thousand only] payable by the 3rd respondent to the District Legal Services Authority, Nagapattinam.

03.01.2023
(1/2)

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Index : Yes/No
Internet : Yes/No



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To:

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C. V. KARTHIKEYAN, J.

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