



W.P(MD)No.6990 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6990 of 2020

and

W.M.P.(MD)No.6411 of 2020

Thirumurugan

... Petitioner

Vs.

- 1.The Union of India,
Rep. by the Principal Secretary,
Ministry of Finance, Financial Section,
Jeevan Deep Building, Parliament Street,
New Delhi.
- 2.The State of Tamil Nadu Rep. by its
Principal Secretary,
Adi Dravidar Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 3.The General Manager,
District Industries Center,
District Collector Office Complex,
Pudukottai District.
- 4.The Regional Manager,
Canara Bank, Bishop Sundaram Complex,
Pudukottai Road, Thanjavur – 613 007.
- 5.The Branch Manager,
Canara Bank,



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988/6, Pudukottai Main Road,
LN Puram, At.Pulichangadu Kaikatti Vill,
Anavayal Post, Alangudi Taluk,
Pudukottai District – 622 304.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pursuant to the communication issued by the respondent No.5 dated 08.05.2020 and quash the same consequently directing the respondent No.4 and 5 to sanction and disburse the loan amount to the petitioner, under the prime Ministers Employment Generation Programme (PMEGP) in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Paul Pandi,
Central Govt. Standing Counsel for R1.
Mr.M.Lingadurai,
Spl. Government Pleader for R2 & R3.
Mr.C.Karthik for R5.
No appearance for R4.

ORDER

Heard the learned counsel for the petitioner, the learned Central Government Standing Counsel for the first respondent, the learned Special Government Pleader for the respondents 2 and 3 and the learned counsel for the fifth respondent.



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2.The petitioner submitted a project proposal for sanction of credit facilities. The petitioner's proposal was forwarded by the third respondent to the fifth respondent. The fifth respondent considered loan proposal but did not sanction the loan for the following reasons:-

“(a) The project is not viable.

(b) Inadequacy of the facilities for safekeeping of the assets purchased out of the bank finance.”

Challenging the said communication dated 08.05.2020 sent by the bank to the petitioner, the present writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for. The learned counsel submitted that even without conducting any site visit, the Branch Manager had come to the conclusion that the facilities put in place by the petitioner were inadequate.

4.I am not persuaded by the submissions of the learned counsel for the petitioner. This is because it is not for the Writ Court to question the



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commercial wisdom of the creditor bank. The bank is of the view that the petitioner's project is not viable. It is not for the Writ Court to go the viability of the project. In such matters, the scope of judicial review is extremely limited. I am not in a position to interfere with the impugned order and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1.The Principal Secretary,
Adi Dravidar Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The General Manager,
District Industries Center,
District Collector Office Complex,
Pudukottai District.



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G.R.SWAMINATHAN, J.

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