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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

W.A(MD)No.141 of 2017

Subburaj ...Appellant/Petitioner

Vs.

1.The District Manager,
Tamil Nadu Adi Dravidar Housing and Development Corporation,
(TAHDCO) Virudhunagar,
Virudhunagar District.

2.The Branch Manager,
Pandian Grama Bank,
Nenmeni, Irukkankudi, Sattur Taluk,
Virudhunagar District.

3.The Manager,
Susee Auto Sales and Service Pvt., Ltd.,
200/1A3, Ayyan Pappakudi Village,
Airport Road, Perungudi Post,
Madurai. ....Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order made in W.P(MD)No.21099 of 2016, dated 15.12.2016.

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For appellant : Mr.P.Banuprasath

For R1 : Mr.A.K.Manikkam
Special Government Pleader

For R2 : Mr.N.Dilipkumar

JUDGMENT

(Judgment of the Court was made by V.BHAVANI SUBBAROYAN,J.)

This Intra Court appeal is directed against the order passed by the Writ Court, dated 15.12.2016 in W.P(MD)No.21099 of 2016.

2. The case of the petitioner is that he approached the first respondent for extending the vehicle loan under the Self Employment Programme for Youth Scheme by way of an application, dated 19.03.2015, and that he has deposited a sum of Rs.1,00,000/- with the second respondent bank towards the fixed deposit. It is the further case of the petitioner that he was selected by the Selection Committee to get subsidy of Rs.2,25,000/- for the tourist vehicle loan. Even thereafter, the second respondent has not disbursed the loan amount in spite of repeated request made by the petitioner.

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3. Hence, the petitioner filed a writ petition seeking for a direction to the second respondent for disbursement of loan amount of Rs.10,98,916/- under the Self Employment Programme for Youth (SEPY) vide the proceedings No.A2/401/2016-17/SEPY/05, dated 22.09.2016.

4. The Writ Court finds that the apprehension of the bank cannot be faulted for returning the loan application of the petitioner. As rightly pointed out by the learned counsel for the respondent bank, the petitioner is not having any vested right to seek the loan in spite of having such criminal antecedents. Needless to say that if the petitioner comes out clean with the charges levelled against him, he can revive his request for extending the loan and if any such request is made in future, after he comes out clean from the criminal cases, the same can be considered by the concerned authority on its own merits and in accordance with law and dismissed the writ petition.

5. Challenging the said order of dismissal, the appellant has filed the present writ appeal on the following grounds:-

(1) The Writ Court failed to consider that the appellant did not make any

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default to pay loan amount to the second respondent. The appellant had not availed any loan from the bank. Hence, the second respondent cannot presume that the appellant will not repay the loan amount.

(ii) The second respondent returned the loan paper to the first respondent on the ground that the appellant was having 9 criminal cases. Out of 9 criminal cases, the appellant was acquitted most of the cases. Except Crime No.80 of 2003, other cases are Minor offence. The Cr.No.153 of 2016 was registered by the Sattur Police Station, subsequent to the sanction of subsidy of Rs.2,25,000/- by the first respondent.

(iii) The involvement of the criminal case could not be a bar for the second respondent to disburse the loan amount as there is no statutory prohibition for extending such loan facility on such reason.

(iv) It is true that the appellant is not having any vested right to seek the loan. At the same time, the second respondent cannot deny the loan on the ground that the appellant was having criminal cases. The second respondent is not able to show any single case against the appellant about the default of payment of loan. Hence, the order passed by the Writ Court is liable to be dismissed.

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6. The learned counsel appearing for the second respondent would submit that the second respondent filed a counter affidavit, wherein, it is stated that the disbursement of the loan was kept pending awaiting release of subsidy from the sponsoring agency and that in the meanwhile, the petitioner got himself involved in a criminal case and got arrested by the police in connection with the theft of hair locks donate by devotees to the deity of Irukkankudi Mariamman Temple in Virudhunagar, as could be seen in the news items published on 19.07.2016. He further submitted that when the Sub-Inspector of Police, Irukkankudi police station was contacted, it was ascertained that there were 9 criminal cases filed against the petitioner before the said station under various criminal offences and therefore, considering the criminal antecedents of the petitioner, a decision was taken not to disburse the loan to the petitioner. Thus, it is stated that the loan papers were returned to THADCO on 01.11.2016 explaining therein the reasons for returning the same. It is also stated by the second respondent that the fixed deposit made by the petitioner of Rs.1,00,000/- was on his own accord and he had also availed loan against the said deposit to the tune of Rs.70,000/- subsequently. The petitioner is not having any vested right to seek the loan as a matter of right

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as it is always open to the respondent bank to ascertain and make sure that the loan disbursed to the party can be recovered in future without having any legal huddle.

7. It is seen from the records that it is not in dispute that the petitioner seeks some benefit under the Scheme called Self Employment Programme for Youth Scheme by availing vehicle loan from the second respondent bank. The bank which is to disburse the such loan to a person, cannot be faulted in verifying the antecedents of the applicant and get itself satisfied with regard to the possibility of the bank to recover the loan in case of default committed by the borrower. In this case, it is seen that the petitioner got himself involved in 9 criminal case. Though the petitioner has made the loan application on 19.03.2015, has however, got himself arrested in pursuant to the crime committed under Sections 457, 380 and 120(b) of IPC on 19.07.2016.

8.Considering the above facts, the Writ Court has rightly held that the apprehension of the bank cannot be faulted for returning the loan application of the petitioner and dismissed the writ petition.

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9. In view of the above said facts and circumstances wherein the decision of disbursement of loan by the respondent cannot be interfered with by this Court and we are not inclined to interfere with the findings of the Writ Court as devoid of merits. Accordingly, this Writ Appeal is dismissed. It is open to the petitioner to approach any other bank for availing loan, if he is otherwise eligible. No costs.

[V.B.S.,J.] [K.K.R.K.,J.]
13.03.2024

Index : Yes / No
Internet : Yes / No
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To

The District Manager,
Tamil Nadu Adi Dravidar Housing and Development Corporation,
(TAHDCO) Virudhunagar,
Virudhunagar District.

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