

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22384 of 2015 and

M.P.No.1 of 2015

G.Sureshkumar

.. Petitioner

Versus

1.Tamil Nadu Industrial Investment
Corp. Ltd.,
by its Branch Manager,
Having office at D.No.20/127 A-5B,
First Floor, 80 Feet Road,
Salem Road,
Namakkal - 637 001.

2.Venus Sizing Mills Rep.
By its Partner V.S.Balamurugan,
S/o V.Selvarajan,
D.No.27F, East Colony,
Komarapalayam Post,
Tiruchengode Taluk,
Namakkal District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, forbearing the first respondent from evicting the petitioner by way of taking possession of the property situated in D.No.4/458/56, Cauveri Hi Tech Park, Valayakaranoor, Thattankuttai Panchyat, S.F.No.286, Komarapalayam Amani Village, Tiruchengode Tk, Namakkal District on the basis of notice dated 28.04.2015 in TIIC/NKL/BO/LAO/2014-15 by considering petitioner's representations dated 10.07.2015 and 22.07.2015.

For Petitioner : Mr.R.Marudhachalamurthy

For R.1 : Mr.I.Sathish

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner claims that he is the Tenant under the second respondent. The second respondent availed loan for construction of factory building and for purchase of machineries from the first respondent and since, the second respondent has committed default in payment of dues, action was initiated by the first respondent under Section 29 of the State Financial Corporations Act, 1951 and notice was also issued to the second respondent calling upon him to settle the amount due of Rs.85,80,000/-, within 15 days from the date of receipt of such notice failing which, further action will be taken under the said Act.

3.The petitioner would submit that there is a dispute between him and the second respondent and he has filed a suit in O.S.No.91 of 2015 on the file of the learned Principal District Munsif, Tiruchengode praying for permanent injunction restraining the second respondent herein from evicting the petitioner from the alleged premises except under due process of law and also praying for interim injunction and in which, notice was ordered.

4.The grievance of the petitioner is that the first respondent without putting the petitioner on notice has initiated action thereby dispossessing the petitioner from the alleged property and in this regard, the petitioner submitted representations dated 10.07.2015 and 22.07.2015 to the first respondent. Though no orders have been passed on the representations of the petitioner, the first respondent is now initiating further action to dispossess the petitioner and hence, the petitioner came forward to file this writ petition.

5.I have heard the learned counsel for the petitioner and Mr.I.Sathish, learned counsel who accepts notice for the first respondent.

6.Though, the petitioner has sought for a larger relief, this Court, without going into the merits of the case as projected by the petitioner, directs the first respondent to consider the representations of the petitioner dated 10.07.2015 and 22.07.2015, on merits and in accordance with law, after putting on notice the second respondent herein and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and till then, the first respondent shall defer any further action being taken against the petitioner.

7. The writ petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

jbm

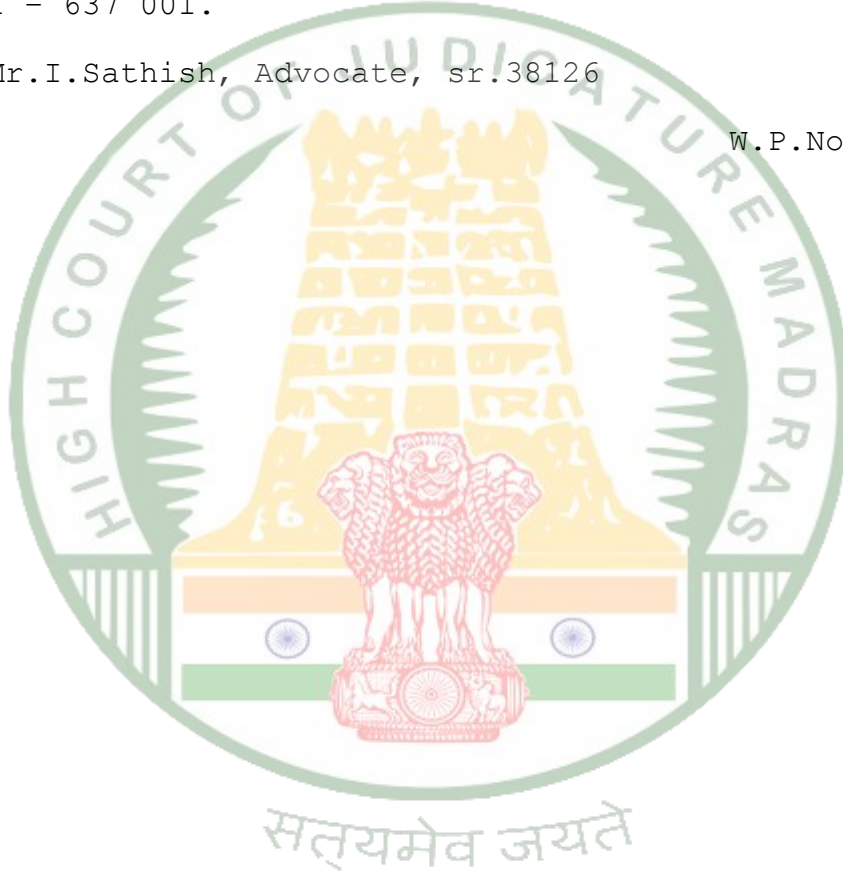
To

1.The Branch Manager,
Tamil Nadu Industrial Investment
Corpp. Ltd.,
Having office at D.No.20/127 A-5B,
First Floor, 80 Feet Road,
Salem Road,
Namakkal - 637 001.

+1 cc to Mr.I.Sathish, Advocate, sr.38126

W.P.No.22384 of 2015

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