

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

C O R A M

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.9623 to 9628 of 2012

Asset Reconstruction Company
(India) Ltd., (ARCIL),
Registered office :
The Ruby, 10th Floor,
29, Senapati Bapat Marg,
Dadar West,
Mumbai-400 078.

Regional Office at No.715-C, 7th Floor,
Spencer's Plaza, Phase-II,
769, Anna Salai, Chennai-600 002.

(Petitioner is substituted as per order
dated 12.8.2015 in
M.Ps Nos.1,1,1,1,1 & 1/2015
in W.P.Nos.9623 to 9628 of 2012) ..Petitioner in all W.Ps.

Vs

1.The Debts Recovery Tribunal, Coimbatore,
rep by its Registrar,
Kaveri Complex,
Ramanathapuram,
Coimbatore-34.

2.M/s.Muthukumarasamy Textiles Limited,
1A, Rajiv Gandhi Nagar,
Sowripalayam Post,
Coimbatore-641 028.

3.S.Ramanathan

4.M/s.Jaimurugan Textiles,
Navani Village,
Puduchatram-637 018
Namakkal District.

.. Respondents in all WPs.

W.P.No.9623, 9627, and 9628 of 2012: is filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorari to call for the records relating to the proceedings dated 14.12.2011, 1.02.2012 and 6.3.2012 respectively, in S.A.No.126 of 2011 on the file of the first respondent and quash the same.

W.P.No.9624 to 9626 2012: These petitions filed U/A.226 of the constitution of India for issue a writ of certiorarified Mandamus to calling for the records relating to the proceeding dt. 13.01.2012, 20.1.2012 and 27.1.2012 in SA 126 of 2011 on the file of the 1st respondent and quash the same and consequently direct the respondents 2 to 4 to restore back

a) the possession of Carding TC 03 TRUTZSCHLER and Blow Room and accessories TRUMAC consisting of Blendo Mat MPM MFC CLC 1 Vetel Fire Detector Vetel Metal Detector All pipelines and Machinery Panel Boards in the very same condition to the satisfaction of the petitioner to the petitioner or in the alternative to direct the respondents 2 to 4 to pay the sum of Rs.45,25,000/- being the difference in value of the said machinery (i.e.) the difference in the fair market value assessed by the valuer of the petitioner and the amount deposited by the respondents 2 to 4 for removing the said machineries (WP.No.9624/12)

b) possession of Carding TC 03 TRUTZSCHLER (2 numbers) in the very same condition to the satisfaction of the petitioner to the petitioner or in the alternative to direct the respondents 2 to 4 to pay the sum of Rs.30,50,000/- being the difference in value of the said machinery (i.e.) the difference in the fair market value assessed by the valuer of the petitioner and the amount deposited by the respondents 2 to 4 for removing the said machineries (WP.No.9625 of 2012)

c) the possession of 4 numbers of Carding TC 03 TRUTZSCHLER in the very same condition to the satisfaction of the petitioner to the petitioner or in the alternative to direct the respondents 2 to 4 to pay the sum of Rs.61,00,000/- being the difference in value of the said machinery (i.e.) the difference in the fair market value assessed by the valuer of the petitioner and the amount deposited by the respondents 2 to 4 for removing the said machineries (W.P.9626/12)

For petitioner
in all WPs

: Mr.G.Kalyan Jhabakh
for M/s.Surana & Surana

For Respondents
in all WPs.

: Mr.D.Bharatha Chakravarthy
for M/s.Sai, Bharath & Ilan
for RR2 and 3

Mr.K.Premkumar for R-4

COMMON ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The learned counsel appearing for the petitioner seeks permission of this court to withdraw the writ petitions with liberty to make an appropriate application to withdraw the money deposited before the Debts Recovery Tribunal and has also made an endorsement to that effect, as under :

"May be permitted to withdraw the writ petitions & permitted to move appropriate application to withdraw the money deposited in the DRT."

2 In view of the abovesaid submission and endorsement, these writ petitions are dismissed as withdrawn with liberty, as aforestated, if so advised. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vvk

To

The Registrar,
The Debts Recovery Tribunal, Coimbatore,
Kaveri Complex,
Ramanathapuram,
Coimbatore-34.

+ 3 ccs to M/s. Surana & Surana, Advocate SR.56564

W.P. Nos.9623 to 9628 of 2012

PUR(CO)
Eu 29.10.15



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