

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

W.A.No.1130 of 2008
and
M.P.Nos.1 & 2 of 2008

Inlac Granstone Limited
Krishnagiri Mavatta
Mooppanar Trade Union Congress
Employees Union,
(Regn. No.565/DRP/04),
rep. by its Secretary A.Venkatesh,
No.12/1, 1st Floor,
Opp. Thangam Hospital,
Old ASTC Hudco, Hosur-635 109. ... Appellant/Petitioner

Vs.

- 1.The Management of Inlac Granstone Ltd.,
Hosur-Kelipcom Road,
Kundumarandapalli,
Denkanikottai Tk.,
Dharmapuri District.
- 2.Bank of Baroda,
K.G.Road, Branch No.2,
Prithivi Building,
K.G. Road,
Bengaluru - 560 009.
- 3.Vivek Khetawat,
M/s.Heera Granite Private Limited,
13B, Jigani Industrial Area,
Bangalore, Karnataka.
- 4.Dharmesh Ranka,
M/s.D.R.A. Projects Limited,
Queens Road,
Bangalore, Karnataka. ... Respondents /Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 12.09.2008 made in W.P.No.15623 of 2008 on the file of this Court.

WP.No.15623/08: Writ petition in filed u/a 226 of the Constitution of India for the issue of writ of declaration declaring that the members of the petitioner union are entitled for their legal dues in connection with their employment in the 1st respondent from and out of the sale proceeds of the secured movables and immovables of the 1st respondent for which sale certificate has been issued by the 2nd respondent in favour of the 3rd and 4th respondents on 31.3.2008 and consequently direct the 2nd respondent the secured creditor to pay to the members of the petitioner union their legal dues payable by the 1st respondent.

For Appellant .. Mr.M.D.Thirunavukkarasu

For Respondents .. Mr.R.Parthiban for R4
R1 to R3 .. No appearance

* * * * *

JUDGMENT

(Judgment of the Court was made by The Hon'ble Chief Justice)

The writ appeal has been filed by the Trade Union Workmen in respect of the proceedings taken out by respondent No.2/Bank of Baroda under SARFAESI Act against respondent No.1/original owner of the land and machineries.

2. The learned counsel appearing for respondent No.4 states that he was the successful auction purchaser, possession of machineries was taken and re-sold and he is in possession of the land in question.

3. In view of the aforesaid, nothing survives in the appeal. The SARFAESI Act is a complete code by itself and if any proceedings have to be initiated, they would be only under the purview of the said Act.

4. The appeal is dismissed in terms aforesaid. No costs. Consequently, M.P.Nos.1 and 2 of 2008 are also dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

+1 cc to Mr.R.Parthiban, Advocate,sr.40881

+1 cc to Mr.M.D.Thirunavukkarasu, Advocate,sr.41395.

pvr(co)
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W.A.No.1130 of 2008



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