

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.12.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.42643 of 2016

and

WMP.No.36560 of 2016

M/s.Ashok Magnetics Ltd.,
rep. by its Managing Director
now having its corporate office at
No.9, 6th Street, Gopalapuram,
Chennai-600 086. ...Petitioner

Vs.

- 1.State Industries Promotion Corporation
of Tamil Nadu,
rep. by its General Manager-II,
SIPCOT project office,
G.N.T Road, Gummidipoondi,
Thiruvallur District-601 201.
- 2.The Project Manager,
SIPCOT Project Office,
G.N.T. Road, Gummidipoondi,
Thiruvallur District-601 201. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorari, calling for the records pertaining to the order dated 21.11.2016 bearing ref. No. REF.SIC/GPD/ASHOK MAGNETICS/2016 passed by the second respondent herein and quash the same.

For Petitioner : Mr.Jayesh B.Dolia
for M/s.Aiyar and Dolia
For Respondents : Mrs.Sudarsena Sundar

O R D E R

This writ petition has been filed by the petitioner challenging the order dated 21.11.2016 bearing ref. No. REF.SIC/GPD/ASHOK MAGNETICS/2016 passed by the second respondent herein and to quash the same.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

3.When the matter came up for hearing today, the learned counsel for the respondents stated that during the course of inspection by the officers, it came to light that the name board of one Praveen Enterprises was found in the premises which is a scrap dealing concern. She further submitted that since the property was given to the petitioner, there is no necessity for the said name Board to be placed on the premises, which implies that it has been sublet to the said Enterprises by the petitioner.

4.In response, the learned counsel for the petitioner would submit that the petitioner has not sublet the premises to anyone. He would submit that the matter has already been seized by the Debts Recovery Tribunal and the bank has already taken symbolic possession of the property and in view of the matter, the learned counsel for the petitioner only seeks to safeguard of the petitioner's possession alone in the premises by issuing an appropriate direction. He further submitted that the said name Board will be removed by the petitioner in the said premises.

5.Considering the rival submissions made on both sides and also taking into account, the undertaking given by the learned counsel for the petitioner that the name board of Praveen Enterprises would be removed from the premises and the petitioner will not sublet the premises to any kind of transaction, there will be a direction to the respondents not to evict the petitioner from the premises in question. However, the said order will not preclude the Debts Recovery Tribunal or any other authority to proceed in accordance with law as it is stated that symbolic possession has been taken by the DRT.

6.With the above observations, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

sd/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

DP

To

1.The General Manager-II,
State Industries Promotion Corporation
of Tamil Nadu,
SIPCOT project office,
G.N.T Road, Gummidipoondi,
Thiruvallur District-601 201.

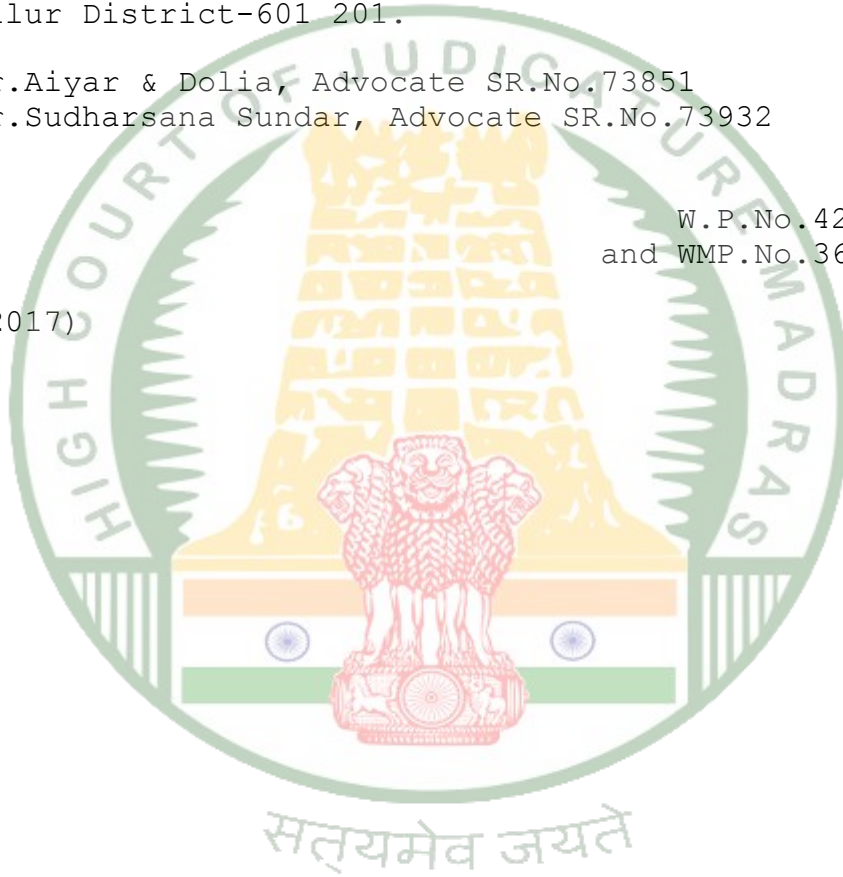
2.The Project Manager,
SIPCOT Project Office,
G.N.T. Road, Gummidipoondi,
Thiruvallur District-601 201.

+1cc to Mr.Aiyar & Dolia, Advocate SR.No.73851

+1cc to Mr.Sudharsana Sundar, Advocate SR.No.73932

W.P.No.42643 of 2016
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PA(CO)
GN(25/01/2017)



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