



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.20111 of 2016

and

WMP(MD)No.14416 of 2016

S.Raja

... Petitioner

-vs-

1.The Commissioner of Police,
Trichy District, Trichy.

2.The Assistant Commissioner of Police,
Thillai Nagar Region,
Trichy, Trichy District.

3.The Inspector of Police,
Thillai Nagar Police Station,
Thilai Nagar, Trichy.

4.R.Kodi

5.V.Grija

6.R.Abbas

7.K.Syed Sulthan

8.R.Balasubramanian

9.R.Jeyaraman

10.B.Jahir Husain

11.M.Jainu Labudeen

12.R.Ramanathan

13.A.S.R.Vijaya Ragunathan

14.V.Murugesan

15.A.Geetha Rani

16.P.Govindha Prasath

17.B.Muruganandham

18.G.Senthil Kumar

19.N.Pandiarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to forbear the respondents 1 to 3 in doing Katta Panchayath and interfering with the civil dispute between the petitioner's Partnership Firm, namely "Bharath Digital Vision" having office at D-62, 11B Cross Street, A.N.M. Building, Thillai Nagar, Trichy-620 016 and respondents 4 to 19 and pass such further orders.



For Petitioner : Mr.B.Prasanna Vinoth
For Respondents 1 to 3 : Mr.K.P.Krishna Das
Government Advocate
For R5 and R15 : Mr.K.Prabhakar
For R4, R6 to R14
and R16 to R18 : Mr.V.Meenakshisundaram
For 19th Respondent : Mr.R.Suriya Narayaan

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, to forbear the respondents 1 to 3 in doing Katta Panchayath and interfering with the civil dispute between the Petitioner's Partnership Firm, namely "Bharath Digital Vision", Trichy and the respondents 4 to 19.

2.When the matter was taken up for hearing on 10.11.2016, learned counsel for the petitioner has submitted that the petitioner is ready to deposit Rs.30 Lakhs to the credit of the writ petition and the property document of the 5th respondent will be handed over to him, within a period of three weeks.

3.Today, the petitioner has filed an affidavit of undertaking to that effect in para No.4. Some of the terms and conditions extracted in para No.2 of the undertaking affidavit are disputed by the respondents. The respondents 4 to 18 have filed an affidavit of undertaking stating that they would not interfere with the day today affairs of the petitioner's company and they have also given undertaking to return the cheque book of the Corporation Bank, Thillai Nagar, Trichy, to the writ petitioner.

4.Learned counsel appearing for the petitioner would submit that the 19th respondent has availed loan of Rs.16,00,000/- and he has withdrawn Rs.10,00,000/- and the balance of Rs.6,00,000/- is in the loan account of the 19th respondent. The 19th respondent has filed an affidavit stating that out of the sanctioned loan of Rs.16,00,000/-, he is released Rs.10,00,000/- by way of materials from the petitioner and the petitioner can be directed to repay the remaining Rs.6,00,000/- in this loan account. In view of the averments in para 3 of his affidavit, the 19th respondent shall not make any claim with regard to the withdrawal of Rs.16,00,000/- against the petitioner, namely Bharath Digital Vision, in which the writ petitioner is designated partner.

5.In view of the submissions made by the learned counsel on



either side and also taking into consideration the undertaking affidavits of the parties, this writ petition is disposed of on the following terms:-

(1).The respondents 4 to 18 shall not interfere with the business of the petitioner's company and day today affairs;

(2).The petitioner shall return the property document of the 5th respondent, which is deposited towards guarantee to the loan borrowed by Bharat Digital Vision with the Indian Bank, Thillai Nagar, Branch, Trichy, within a period of three weeks from today;

(3).The Petitioner shall deposit a sum of Rs.30,00,000/- to the credit of this writ petition, within a period of three weeks from today.

(4).The petitioner shall repay Rs.6,00,000/- in the loan account of the 19th respondent maintained in the Karur Vysya Bank, Gudalur Branch, Theni District;

(5).The 5th respondent is directed to return the cheque book of the Corporation Bank, Thillai Nagar, Trichy, to Bharath Digital Vision, within a period of one week from today; and

(6)The terms referred in the undertaking affidavit of the petitioner, dated 14.11.2016 with regard to (d), (f), (g) and (h) are left open.

6.Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

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To,

<https://hcservices.ecourts.gov.in/hcservices/>

1.The Commissioner of Police,
Trichy District, Trichy.



2.The Assistant Commissioner of Police,
Thillai Nagar Region,
Trichy, Trichy District.

3.The Inspector of Police,
Thillai Nagar Police Station,
Thilai Nagar, Trichy.

4.The Special Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Prasanna Vinoth Advocate Sr.No. 68770

+1cc to Spl.Government Pleader Sr.No. 68840

+1cc to Mr.K.Prabhakar Advocate Sr.No. 68584

+1cc to Mr.R.Suriya Narayaan Advocate Sr.No. 69472

JAM/15.11.16/SS 3/SAR 3/4P-9C

W.P. (MD) No.20111 of 2016
14.11.2016