

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Fifth day of October Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S. MANIKUMAR

and

THE HON`BLE MR JUSTICE R. SURESH KUMAR

WMP No.27721 of 2017

IN WP.21422/2017

1 UNIVERSAL TRUSTEESHIP [PETITIONER]
SERVICES LTD,
(PREVIOUSLY KNOWN AS 3I iNFOTECH
TRUSTEESHIP SERVICES LIMITED)
(ACTING AS sECUTIRY TRUSEE
FOR ICICI BANK LTD)
REP. BY ITS
AUTHORIZED OFFICER
REG. OFFICE AT NO.902,
MARATHON FUTUREX, N.M.JOSHI MARG, LOWER
PAREL, MUMBAI - 400 013,

Vs

1 DUNLOP PROPERTIES PVT.LTD [RESPONDENTS]
KINGS COURT, FLAT NOS.14 AND 18 NO.46-B,
CHOWRINGHEE ROAD, KOLKATA - 700 071.

2 SHALINI PROPERTIES AND
DEVELOPERS PVT.LTD, KINGS COURT, FLAT NOS.14
AND 18, NO.46-B, CHOWRINGHEE ROAD, KOLKATA -
700 071.

3 M/S.SPR RESORTS LTD
KINGS COURT, FLAT NOS.14 AND 18, NO.46-B,
CHOWRINGHEE ROAD, KOLKATA - 700 071.

4 THE DISTRICT MAGISTRATE AND
DISTRICT COLLECTOR, TIRUVALLUR DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Permit the Applicant / Writ Petitioner to effect Substituted Service of Summons of the Writ Proceedings in WP No.21422 of 2017 to the Respondents 1 to 3 by Paper Publication in respective languages in one edition of English Newspaper and one edition of Bengali Newspaper having circulation in Kolkata(IN WMP No.27721 of 2017)Pending disposal of above WP.21422/2017

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. G.SHANTHI MEENAKSHI, Advocate for the petitioner the court made the following order:-

(Order of the Court was made by S.Manikumar,J)

Ms.G.Shanthi Meenakshi, learned counsel for the petitioner submitted that respondents 1 to 3 are the group Companies, who have mortgaged the property with the Bank, for the loan availed.

2. When application, under Section 14 of the SARFAESI Act was made to the District Magistrate and District Collector, Tiruvallur District, seeking assistance for taking possession, vide order, dated 21/4/2017, the said authority has declined to grant assistance. The said order is challenged in the instant writ petition.

3. She further submitted that private notice sent to Dunlop Properties Pvt Ltd., Kolkata/first respondent, has been returned with an endorsement "left". Private notice sent to Shalini Properties and Developers Pvt Ltd., Kolkatta and SPR Resorts Ltd., Kolkatta, has been returned with an endorsement "intimation served, person not claimed".

4. Contending inter alia that the respondents are evading notice, petitioner has filed the instant W.M.P.No.27721 of 2017, seeking permission to effect substituted service, on the respondents 1 to 3, by publication, in one edition of Bengali newspaper, viz., Anand Bazaar Patrika and in English newspaper, viz., "The Telegraph" both having circulation in Kolkata, where the respondents 1 to 3 have their respective offices.

5. As per the Registry's note, service is awaited for R.1. Tapal returned and unserved regarding, R.R.2 and 3, with an endorsement "not known". Taking note of the Registry's note and the averments made in the supporting affidavit, permission is granted to the writ petitioner, to effect substituted service, by paper publication in Bengali, viz., Anand Bazaar Patrika and in English "The Telegraph", mentioning the prayer sought for, in the writ petition, and the hearing date as 1/11/2017.

6. Post on 1/11/2017.

-sd/-
05/10/2017

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MAGISTRATE AND
DISTRICT COLLECTOR, TIRUVALLUR DISTRICT.

C.C. to M/S. G.SHANTHI MEENAKSHI, Advocate SR.NO. 12860

Order

in
WMP.27721/2017

in
WP.21422/2017

Date :05/10/2017

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T.R (11/10/2017)