

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/10/2017

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE R.SURESH KUMAR

Writ Petition No.22597 of 2004

1. R. Aravindhan
2. S. Sugumaran
3. V. Thiagarajan
4. A. Vijayan
5. S. Venkatasubramanian
6. S. Ramakumar
7. Geraldine Pinto
8. E. Sankar Petitioners

1. The Management of Coromandel Leathers
(P) Limited
No.72 Harrington Road
Chetpet
Chennai 600 031.

2. Canara Bank
Park Town Branch
No.4 Sydenhams Road
Periamet
Chennai 600 003. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus forbearing the second respondent from taking possession of the assets of the first respondent for sale without settling all the dues payable to the petitioners by the first respondent to the petitioners herein.

For Petitioner ... Mr.T.Ramkumar

For respondents ... Mr.K.S.V.Prasad for R.2

O R D E R

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

When Canara Bank, Chennai/second respondent, desired to take possession of the property, mortgaged by the Management of Coromandel Leathers (P) Ltd., Chennai, the borrower, contending inter alia that workers due have not been paid, employees of the first respondent, joined together and filed the instant writ petition, for a mandamus, forbearing the second respondent, from taking possession of the assets of the first respondent, for sale, without settling all the dues payable to the petitioners by the first respondent.

2. Record of proceeding shows that on 26/11/2004, a learned Single Judge of this Court, has passed the following interim order:-

"Learned counsel for the second respondent seeks two weeks time for filing counter. Adjourned by 13/12/2004.

In the meantime, if the second respondent proceeds to sell the assets, the disbursement or appropriation of the said amount cannot be done without any further orders of this Court."

3. Subsequently, on 17/12/2004, writ Court has passed the following order:-

"The first respondent has not yet been served. There is a dispute regarding the identity of the workers of the first respondent. A typed-set has been given by the second respondent giving one list and the typed-set of the petitioners gives a different list. We do not know who are the employees of the undertaking against which proceedings have been initiated under the Securitization Act. The counsel for the second respondent bank would submit that the proceedings for sale of assets are going on and have not reached finalisation. Under these circumstances, the second

respondent may proceed with the sale of assets and while appropriating the sale proceeds, shall set apart Rs.10,00,000/-. This shall be kept in deposit. The decision whether the petitioners are entitled to it will depend on the outcome of the writ petition. No application for withdrawal of the above deposit shall be filed without obtaining permission from this Court.

Private notice to the first respondent is permitted, returnable in three weeks. Post it after three weeks."

4. On this day, when the matter came up for further hearing, Mr.T.Ramkumar, learned counsel for the petitioner submitted that subsequently, possession of the subject property has been taken over by the Bank. Submission of the learned counsel is placed on record.

5. In view of the above, relief sought for in the writ petition has become infructuous.

6. Accordingly, writ petition is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mvs.

Rmp (07/11/17)

W.P.No.22597 of 2004

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