

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.14573 of 2004

Balaji Enterprises,
Rep by its Manager,
V.Murugan,
146, Puthu Mariamman Koil Street,
Veeranam Main Road,
Ponnampet,
Salem-3.

..Petitioner

vs.

1. The Branch Manager,
The Tamilnadu Industrial Investment
Corporation Ltd.,
Plot No.9, Spencer Compound (II Floor),
Near Bus Stand,
Thiruvalluvar Salai,
Dindigul.

2. The Branch Manager,
Tamilnadu Mercantile Bank,
Dindigul.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Mandamus to direct the 1st respondent to release the seized raw materials worth about Rs. 27,00,000/- which is now available at the premises of Sakra Soap Industries (P) Ltd., Natham, Dindigul District, to the petitioner.

For Petitioner : C.Prakasam
For R1 : Mr.I.Sathish
For R2 : V.Chandrasekaran

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O R D E R

Writ Petition has been filed seeking for issuance of a Mandamus to direct the respondent to permit the petitioner to occupy the premises at Shop No.4, Anna Bus Stand, Sriveliputhur as lessee as long as the petitioner pays 15% of the enhanced rent for every 3 years block period regularly.

2.It is represented by the learned counsel for the petitioner that the petitioner has come forward with the present writ petition for releasing the seized raw materials worth about Rs.27 lakhs lying with the first respondent.

3.The learned counsel for the first respondent would submit that the goods seized is with the second respondent and even the averment in paragraph No.4 of the affidavit would make it very clear that when the petitioner approached the Sakra Soap Industries Private Ltd., as well as the second respondent namely the Bank, it was stated that they have not possessed any raw materials belonging to the petitioner and it is with the first respondent and that the first respondent has not removed the seal. The learned counsel would further submit that it is true that the raw materials have been seized but the same were handed over to the second respondent.

4.Taking note of the disputed question of fact as to whether the goods are lying with the first respondent or the second respondent, this Court is not inclined to grant the relief as sought for in this writ petition. Hence, the writ petition is disposed of, giving liberty to the petitioner to work out his remedy in accordance with law. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dn

+ 1 cc to Mr. I. Sathish, Advocate SR.50878
+ 1 cc to Mr.V. Chandrasekaran, Advocate Sr.51087

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