

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.38995 of 2003

N.Muruganandam Manoharan

... Petitioner

Vs.

M/s.Tamil Nadu Industrial Investment
Corporation Limited,
No.77B, Railway Feeder Road,
Ramanathapuram-623 504.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Loan Account of Hotel Shanmuga bearing Borrower Ref.No.0539 and the records pertaining to the recovery proceedings against the petitioner and to quash the impugned notice dated 15.12.2003 and the proceedings for auction sale of the lodging house in pursuance thereof and further direct the respondent to furnish a detailed statement of account of the loan account of Hotel Shanmuga (a lodging house), Railway Feeder Road, Ramanathapuram Post, containing the amount borrowed, the rate of interest worked out, the repayment made against the loan account etc.

For Petitioner : Mr.Praveen Sethia
for M/s.K.G.Vasudevan

For Respondent : M/s.Aiyar & Dolia

O R D E R

Challenging the possession taken notice issued under Section 29 of the State Financial Corporation Act against the petitioner, dated 15.12.2003, the present Writ Petition has been filed.

2. When the matter is called, the learned Counsel for the petitioner has filed a memo stating that the efforts taken by him to convey the pendency of the above Writ Petition by

registered post with acknowledgement due was also returned with the endorsement ''not known''. Hence, the learned Counsel has left with no other option except to report ''no instructions''.

3. The learned Counsel appearing for the respondent Corporation submitted that the property-in-question was auctioned on 25.08.2004 for a sale consideration of Rs.40,00,000/- in favour of one Nallamuthu. Subsequent to the auction purchase, the possession was taken by the auction purchaser on 02.03.2005. Thereafter, the sale deed was executed in favour of the auction purchaser on 02.04.2005.

4. Recording the same, the Writ Petition is closed as nothing survives for adjudication. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsi

To

M/s.Tamil Nadu Industrial Investment
Corporation Limited,
No.77B, Railway Feeder Road,
Ramanathapuram-623 504.

+lcc to M/s.Aiyar & Dolia, Advocate, S.R.No.63972

W.P.No.38995 of 2003

MP(CO)
CA(22/09/2017)

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