

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.12.2018

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.50295 of 2006
and
W.M.P.Nos.1 & 2 of 2006

The Vellore District Central Coop. Bank Ltd.,
represented by its Special Officer

...Petitioner

vs.

1. The Administrator,
Vellore District Coop. Spinning Mills Ltd.,
Post Box No.1,
Ariyur-632 055.
2. Assistant Director of Handlooms &
Administrator (i/c),
Vellore District Coop. Spinning Mills Ltd.,
Katpadi, Gandhi Nagar,
Vellore.
3. The Commissioner,
Commercial Tax Office Dept.,
Ezhilagam, Chepauk,
Chennai-600 005.
4. The Assistant Commissioner,
Commercial Taxes (Rural),
Fort Round Road,
Vellore-632 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 to 4 herein to make over the sum of Rs.7,38,06,300.42 (Rupees Seven Crores Thirty Eight Lakhs Six Thousand Three Hundred and forty two paise only) being the amount due by the first respondent to the petitioner bank under the cash credit Loan Account No.15,16 & 17 from and out of the public auction conducted by the third and fourth respondents as per the Gazette Notification dated 05.11.2006 made in No.11.

For Petitioner :Mr.R.Gophinath

For R1 :Mr. V.P. Raman
For R2 :M/s. Girija
Government Advocate

For R3 to R4 : Mr.M. Hariharan
Additional Government Pleader

O R D E R

The relief sought in the present writ petition is for direction to direct the respondents 2 to 4 to make over the sum of Rs. 7,38,06,300.42 - (Rupees Seven Crores Thirty Eight Lakhs Six Thousand Three Hundred and Forty Two Paise only) being the amount due by the 1st respondent to the petitioner Bank under the Cash Credit Loan Account No.15,16 and 17 from and out of the public auction conducted by the respondents 3 and 4 as per the Gazette Notification dated 05.11.2003 made.

2. The learned counsel appearing on behalf of the respondents 3 and 4 relying on the counter affidavit filed, submitted that the property in question was brought to sale in public auction and though the property was sold in the public auction, the entire sale auction proceedings had been set aside by the Territorial Assistant Commissioner (CT), Vellore District in proceedings bearing Rc.A7/9770/2002 dated 20.12.2006. In view of the cancellation of auction proceedings, the balance amount is not realised.

3. Since, the auction proceedings were canceled and the amount arrived in the sale auction has not been realised, there is no point in considering the grounds raised in the present writ petition. In view of the fact that, the auction sale had not been concluded the sale amount has been realised, the present writ petition deserves no further consideration. Accordingly, the same stands closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mpa/pns

To

1. The Administrator,
Vellore District Coop. Spinning Mills Ltd.,
Post Box No.1, Ariyur-632 055.
2. Assistant Director of Handlooms &
Administrator (i/c),
Vellore District Coop. Spinning Mills Ltd.,
Katpadi, Gandhi Nagar,
Vellore.
3. The Commissioner,
Commercial Tax Office Dept.,
Ezhilagam, Chepauk,
Chennai-600 005.
4. The Assistant Commissioner,
Commercial Taxes (Rural),
Fort Round Road,
Vellore-632 001.

+1cc to Mr.V.P.Raman, Advocate, S.R.No.83561
+1cc to Mr.R.Gopinath, Advocate, S.R.No.83352
+1cc To the Government Pleader, S.R.No.83741,83678.

mg(co)
kak(02/01/2018)

W.P.No.50295 of 2006
and
W.M.P.Nos.1 & 2 of 2006

सत्यमेव जयते

WEB COPY