

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18816 of 2018
and W.M.P.No.22175 of 2018

K.V.Ramadoss

.. Petitioner

-vs-

- 1.The Managing Director
The Tamil Nadu Industrial Investment
Corporation Limited
No.692, Anna Salai
Nandanam
Chennai - 600 035.
- 2.The Deputy General Manater, (LM & R/Recovery)
The Tamil Nadu Industrial Investment
Corporation Limited
No.692, Anna Salai
Nandanam
Chennai - 600 035.
- 3.The Branch Manager
The Tamil Nadu Industrial Investment
Corporation Limited
D.No.12/1, LRJ Complex, 2nd Floor
Naduvarkeela Street
Nagapattinam - 611 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order dated 13.07.2018 bearing TIIC/NGT/FU/2018-19 issued by the 3rd respondent, to quash the same.

For Petitioner :: Mr.R.Murali

For Respondents:: Mr.I.Sathish,
Standing Counsel for R1 to R3

ORDER

This writ petition is directed against the impugned proceeding issued by the Branch Manager of the Tamil Nadu Industrial Investment Corporation Limited, Nagapattinam (A Government of Tamil Nadu undertaking), the third respondent herein, dated 13.07.2018, by which, the petitioner informed that the respondents have decided to take constructive possession of the property as a primary and collateral security on 23.07.2018 (Monday) at 11.00 a.m. Consequently, the petitioner was also advised to settle the loan amount on or before 20.07.2017 to avoid inconvenience.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The petitioner submitted an application before the respondents for sanctioning of loan to the tune of Rs.6.60 crores, to construct a Hotel in the name and style of "M/s.Quen Inn", comprised in Survey Nos.51/13, 51/14 and 51/15, measuring to an extent of 73 cents, situated at Velankanni Village, Kilvelur Taluk, Nagapattinam District. The respondents have also agreed to sanction a sum of Rs.6.60 crores in a stage wise disbursement for construction of the Hotel. Therefore, as a security to the said loan amount, the petitioner mortgaged the property covered in the aforementioned three survey numbers i.e., Survey Nos.51/13, 51/14 and 51/15, measuring to an extent of 73 cents situated at Velankanni Village, Kilvelur Taluk, Nagapattinam District.

4. The learned counsel appearing for the petitioner would submit that all of a sudden, the respondents have stopped the disbursement of the said loan amount and instead of sanctioning Rs.6.60 crores for construction of the Hotel, they disbursed only a sum of Rs.4.70 crores. In view of the nonpayment of Rs.1.90 crores, viz., the balance amount, the petitioner was not able to complete the construction. He further submitted that if the respondents would have sanctioned the entire loan amount, the petitioner could have completed the construction long back and they would have also repaid the amount without any default. Only due to non payment of Rs.1.90 crores by the respondents, the default had occurred. However, now the petitioner undertakes to repay the said overdue outstanding amount of Rs.1.68 crores to the respondents within eight weeks from today.

5. Since the petitioner undertakes to repay the aforementioned overdue outstanding amount of Rs.1.68 crores to the respondents within a period of eight weeks from today and

also further undertakes to pay the future monthly installments without default, this Court, placing on record the undertaking given by the petitioner, set asides the impugned order. It is made clear that the petitioner, as undertaken before this Court, shall pay a sum of Rs.1.68 crores within a period of eight weeks from today and in the meanwhile, they also continue to pay the monthly instalments at the rate of Rs.5 lakhs per month without any default. If there is any default made, the respondents shall be at liberty to proceed against the petitioner in the manner known to law.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vsm
To

- 1.The Managing Director
The Tamil Nadu Industrial Investment
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No.692, Anna Salai
Nandanam, Chennai - 600 035.
 - 2.The Deputy General Manater, (LM & R/Recovery)
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D.No.12/1, LRJ Complex, 2nd Floor
Naduvarkeela Street
Nagapattinam - 611 001.
- + 1 cc to Mr. R. Murali, Advocate SR.49086
+ 1 cc to Mr. I. Sathish, Advocate Sr.49020

W.P.No.18816 of 2018

(CS-IV)
EU(02/08/2018)