



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Fifteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.178 of 2018

IN

WA(MD) No.30 of 2018

- 1 THE STATE REPRESENTED BY ITS
PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE,
FORT ST. GEORGE CHENNAI - 600 009.
- 2 THE DISTRICT COLLECTOR
PUDUKKOTTAI DISTRICT, PUDUKKOTTAI.
- 3 THE TAHSILDAR
KULATHUR TALUK, PUDUKKOTTAI DISTRICT,
PUDUKKOTTAI. ... APPELLANTS / PETITIONERS

Vs

- 1 M. ABUBAKKAR SIDHIK
- 2 K. SURESH ... RESPONDENTS / WRIT PETITIONERS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Stay the operation of the order dated 22.09.2017 made in W.P. (MD).No.2729 of 2014 pending disposal of the above Writ Appeal and thus render justice.

Prayer in WP(MD). 2729/ 2014 :

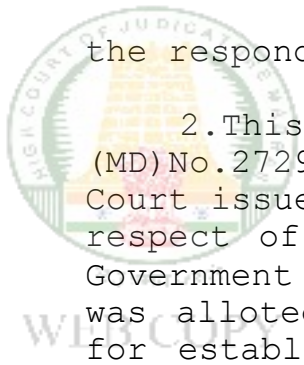
Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the Respondents to issue patta for the land situated in Survey No. 412/2 at Lakshmanapatti Village, Kulathur Taluk, Pudukkottai District, admeasuring an extent of 25 acres of 26 cents jointly in the name of the petitioners.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.B.PUGALENDHI, Additional Advocate General for the petitioner and of Mr.M.SARAVANAN, Advocate for the Caveator on behalf of the Respondent 1, the court made the following order:-

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

<https://hcservices.ecourts.gov.in/hcservices/>

Heard Mr.B.Pugalendhi, learned Additional Advocate General appearing for the petitioner and Mr.M.Saravanan, learned counsel for



the respondent.

2.This appeal by the State is against the order made in W.P. (MD)No.2729 of 2014 dated 22.06.2017. By the said order, the Writ Court issued a positive direction to the appellant to grant patta in respect of the property in question. Admittedly, the property is a Government property and is classified as "Kattu Poramboku". The land was allotted to the company viz, M/s.Southern Hydro Carbon Company for establishing the manufacturing plant for manufacturing Acetic Acid and Acetic Anhydride. The project was spread over for a total extent of land is 25.26 Acres in Survey No.412/2 and 412/3 of Lakshmanapathy Village, Thondamannur, Kulathur Taluk, Pudukottai District. The condition of allotment clearly shows that the land was offered to the Company on collecting the land value. However, the Government reserved the right to resume the land wholly or in part. In the event of infringement of any of the condition upon resumption of the land, it shall vest absolutely with the Government.

3.Admittedly, the industry ran into rough weather and the matter was pending before BIFR which directed the company to be wound up. Pursuant to the same, the Company Court took up the matter in C.P.No.157 of 1999 and the land in question was brought for the sale by official liquidator. The appellant were not aware of these proceedings. They did not have any notice of it. Only after the Company Court passed an order on 28.06.2016 confirming sale in favour of the respondent, they filed applications in C.A.No.2444 and 2445 of 2006 for recalling the order dated 28.06.2007. The said application was dismissed. The appellant has approached for recalling order on the ground that the order of assignment granted in favour of the company was cancelled and the lands were ordered to be resumed. The Company Court opined that the Company did not give notice of the proceedings to the financial institution in terms of order of objection and therefore, it is estopped from arguing the validity of resumption order. Assuming there is violation of principles of natural justice, the natural course to be adopted by any Court is to direct the parties to be afforded fresh opportunity. The Company Court opined otherwise and dismissed the application. Though the State has to file appeal against the order of Company Court, it is not known as to why no steps have been taken to number the appeal and the learned Additional Advocate General is in a position to furnish the SR. number. Therefore, any observations made by this Court may not auger well for the appellants. However, we are of the opinion that the appeal has to be heard and disposed of. Till the disposal of the case, the order impugned in the writ appeal shall remain stayed. Accordingly, this petition is ordered.

4.List the matter for hearing on 23.04.2018.

sd/-

15/03/2018

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TO

1 THE PRINCIPAL SECRETARY, STATE REPRESENTED BY ITS
DEPARTMENT OF REVENUE,
FORT ST. GEORGE CHENNAI - 600 009.

2 THE DISTRICT COLLECTOR
PUDUKKOTTAI DISTRICT, PUDUKKOTTAI.

3 THE TAHSILDAR
KULATHUR TALUK, PUDUKKOTTAI DISTRICT,
PUDUKKOTTAI.

+1. C.C. to Mr.M.SARAVAN Advocate SR.No.4245

mrn

JAM/21/03/2018/ CM-VR / SAR 1/ 3p-5c

ORDER
IN
CMP (MD) No.178 of 2018
IN
WA (MD) No.30 of 2018
Date :15/03/2018