

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 31207 of 2019

and WMP.NO.31354 & 31355 of 2019

R. Balaji

... Petitioner

Vs.

1. Government of India
Ministry of Corporate Affairs
Office of the Official Liquidator
High Court, Madras Corporate Bhawan
2nd Floor, No. 29, Rajaji Salai
Chennai - 600 001.

2. M/s. KRM Kumaragam Chits (P) Ltd.
Represented by its Managing Director
No. 150, Railway Station Road
Ground Floor, Kavarapettai
Gummidipoondi - 601 206.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, calling for the records of the First Respondent in pursuance to the impugned notice dated 23.03.2018 vide proceedings of the First Respondent bearing F.No. 1211(87)/2017/AR-III/DEBT and quash the same and consequently direct the First Respondent to calculate the actual due payable by this Petitioner in pursuance to the mortgage deed and receive the said amount and to discharge the Petitioner from his liability and to redeem the mortgage deed in accordance with law within a time frame.

For Petitioner : Mr. G. Ilamurugu

For Respondents: Mr. A. Asvathanam (For R1)
Central Government Standing Counsel

O R D E R

The Official Liquidator attached to this Court had been appointed as Provisional Liquidator of the Second Respondent by order dated 18.10.2016 in Company Petition No. 279 of 2016 and notice F. No. 1211(87)/2017/AR-III/DEBT dated 23.03.2018 was issued to the Petitioner demanding payment of Rs.28,36,272/- together with interest as due to the Second Respondent as per its records. The Petitioner has challenged the said demand notice in this Writ Petition and has sought for consequential direction to the First Respondent to calculate the actual amount payable and received payments for the same and discharge the Petitioner from that liability.

2. When it is pointed out that adequate provisions have been made in the Companies Act, 2013, for the Petitioner to work out his rights for the reliefs claimed in this Writ Petition, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same and he has made an endorsement to that effect.

3. Recording the same, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

may
To

1. Ministry of Corporate Affairs
Office of the Official Liquidator
High Court, Madras Corporate Bhawan
2nd Floor, No. 29, Rajaji Salai
Chennai - 600 001.

+1cc to Mr.G. Ilamurugu , Advocate SR.No. 92325
+1cc to Mr.A. Asvathanam , Advocate SR.No. 92933

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A.SK(13/11/2019)