

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.02.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.29019 of 2018

M/s.ArputhamAmmalAmirthavalli Modern Rice Mill,
Rep. by its Partner,
Mr.K.Balarama Chakravarthy,
S.No.579/7, 598/5, No.73,
Thanigai Polur Village,
Arakkonam Taluk,
Vellore District - 631 003.

... Petitioner

Vs

1.The Tamil Nadu Industrial Investment
Corporation Limited,
Rep. by its Senior Branch Manager,
73/A, Katpadi Main Road,
Gandhi Nagar,
Vellore - 632 006.

2.The Deputy General Manager (Collection),
Tamil Nadu Industrial Investment
Corporation Limited,
692, Anna Salai,
Nandanam, Chennai - 35.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in auction notice TIIC/VLR/BO/LAO/2018-19 dated 14.05.2018 and quash the same and cancel the auction if it was conducted and direct the 1st respondent to set off and settle that loan amount and by taking auction on collateral property and release auctioned property for livelihood of the petitioner family.

For Petitioner : Mr.M.A.Aathichoodi

For Respondents: Mr.Paul Raj

O R D E R

This writ petition is filed challenging the auction notice dated 14.05.2018, proposing to hold a tender cum public auction on 18.06.2018 in respect of the Rice Mill land, building and machinery belonging to the petitioner for realizing the dues from the petitioner resulting out of a term loan.

2. Heard Mr.M.A.Aathichoodi, learned counsel for the petitioner and Mr.Paul Raj, learned counsel for the respondents.

3. A counter affidavit dated 10.12.2018 is also filed by the respondent Corporation.

4. The learned counsel for the petitioner, though sought to contend as though the auction has not been conducted on 18.06.2018, this Court is not inclined to accept his oral submission in the absence of any specific averment to that effect in the affidavit filed in support of this writ petition, which itself was filed only on 29.10.2018 much later to the auction date.

5. On the other hand, the counter filed by the respondents categorically states that the property was brought for auction on 18.06.2018 and one L.Mamoharan, Arakonam, was the highest bidders for land and building, who had offered Rs.60 lakhs and one S.Palani, Kancheepuram offered Rs.126.10 lakhs towards machinery. It is further stated that after negotiations, the bidders have enhanced their bid amount as Rs.61.00 lakhs and Rs.127.00 lakhs towards land & building and machinery respectively and remitted entire balance bid amount on 12.11.2018 and consequently, the primary land & building and machinery were handed over to the highest bidders on 16.11.2018. It is further stated that the auction sale proceeds were given credit in the loan account of the petitioner and even thereafter, the balance amount payable by the petitioner is Rs.36,08,817/- as on today.

6. When such being the factual contention raised by the respondents, I do not think that anything survives in this writ petition to be adjudicated upon further. Accordingly, this Writ Petition is dismissed without expressing any view on the merits of the contentions raised by the petitioner. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsi

To

1.The Senior Branch Manager,
Tamil Nadu Industrial Investment Corporation Limited,
73/A, Katpadi Main Road,
Gandhi Nagar,
Vellore - 632 006.

2.The Deputy General Manager (Collection),
Tamil Nadu Industrial Investment Corporation Limited,
692, Anna Salai,
Nandanam, Chennai - 35.

+1cc to Mr.Paul Raj, Advocate sr.9182

W.P.No.29019 of 2018

pvs(co)
nr 04/03/2019