

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.31883 of 2018

G.Suresh, Managing Director
M/s.Digilog Micro Solutions (P) Limited
Plot No.S.34, Sidco Industrial Estate
Kakkalur, Tiruvallur Petitioner

Vs

- 1.The Chairman and Managing Director
Tamil Nadu Small Industries
Development Corporation Limited
Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai-32
- 2.The Branch Manager, Tamil Nadu Small Industries Development
Corporation Limited,
Sidco Industrial Estate,
Kakkalur 602 003.
- 3.Corporation Bank, Mugappair Branch
Chennai-37 Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned letter, in R.C.No.110/B/2014, dated 04.10.2018, issued by the 2nd Respondent and to quash the same and consequently to direct the 2nd Respondent to register a sale deed in favour of the Petitioner for Plot No.S.34, situated at Sidco Industrial Estate, Kakkalur, Tiruvallur District, in SF.No.63, part of Puttalur Village, Tiruvallur Taluk and District.

For Petitioner : Mr.K.V.Muthuvisakan

For Respondent : Mr.Abdul Saleem-RR1&2
Mr.A.V.Sridhar-R3

ORDER

The prayer in this Writ Petition is to quash the letter, dated 04.10.2018, issued by the 2nd Respondent and consequently, to direct the 2nd Respondent to register a sale deed in favour

of the Petitioner for Plot No.S.34, situated at Sidco Industrial Estate, Kakkalur, Tiruvallur District, in SF.No.63, part of Puttalur Village, Tiruvallur Taluk and District.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, the Petitioner is a Private Limited Company. The 1st Respondent has developed an industrial estate at Kakkalur, Tiruvallur District for MSME. Plot No.S.34 was allotted to the Petitioner, vide order dated, 04.03.2014, in No.326/IE02/14, for which, a Memorandum of Understanding, dated 27.04.2015 was also entered into between them. The Petitioner has obtained planning permission approval for constructing a building in the said Plot. While so, the 3rd Respondent has initiated proceedings before the Debt Recovery Tribunal-III, Chennai, against the Petitioner. In the said proceedings, the 3rd Respondent has filed IA.No.649 of 2017, seeking interim injunction, restraining the 2nd Respondent from refunding the amount to the Petitioner, in case of cancellation of allotment for Plot No.S.34. While so, the 2nd Respondent has sent the impugned letter, stating that only after the receipt of judgement from the Debt Recovery Tribunal or No Objection Certificate from the 3rd Respondent, they will take further action. Hence, this Writ Petition has been filed, seeking the reliefs, as stated above.

4. The learned counsel for the Respondents 1 and 2 would submit that since proceedings are pending against the Petitioner before the Debt Recovery Tribunal-III, Chennai, they are not able to execute the sale deed in favour of the Petitioner.

5. The learned counsel for the 3rd Respondent Bank would submit that for an outstanding amount due from the Petitioner, they have initiated proceedings before the Debt Recovery Tribunal-III, Chennai and filed IA.No.649 of 2017, seeking interim injunction, restraining the 2nd Respondent from refunding the amount to the Petitioner, in case of cancellation of allotment for Plot No.S.34, which is also the objection made by them to the Respondents 1 and 2.

6. Considering the afore said submissions of the learned counsel for the Petitioner and the Respondents and on perusal of the proceedings before the Tribunal and the prayer made in the said IA.No.649 of 2017, wherein the 3rd Respondent Bank has sought to restrain the 2nd Respondent from refunding the amount to the Petitioner, in case of cancellation of allotment for Plot No.S.34, but, the prayer in this Writ Petition is for different relief, this Court is of the considered view that there is no legal impediment for execution of the sale deed in favour of the Petitioner in respect of the Plot No.S.34. However, this order will not stand in the way of the 3rd Respondent Bank to proceed against the Petitioner, in accordance with law and to seek appropriate relief.

7. Accordingly, the impugned letter, dated 04.10.2018 is

quashed and the 2nd Respondent is directed to register the sale deed, in respect of the petition mentioned Plot No.S.34, in favour of the Petitioner, on the Petitioner complying with all the requirements, within a period of four weeks, from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is allowed, as prayed for. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Srcm

To

- 1.The Chairman and Managing Director
Tamil Nadu Small Industries Development Corporation Limited
Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai-32
- 2.The Branch Manager, Tamil Nadu Small Industries Development Corporation Limited,
Sidco Industrial Estate,
Kakkalur 602 003.
- 3.Corporation Bank, Mugappair Branch, Chennai-37

+1cc to Mr.K.V.Muthu Visakan, Advocate, S.R.No. 8754
+1cc to Mr.A.V.Sridhar, Advocate, S.R.No.8839

WP.No.31883 of 2018

KJ(CO)
GN(04/02/2019)

WEB COPY