



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.6045 of 2015 and

M.P.(MD)Nos.1 to 3 of 2015

WEB COPY

1.K.Panneer Selvam

2.K.Manjuladevi

3.R.Arangulavan

... Petitioners

vs.

1.The District Collector,
Pudukottai District, Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi, Pudukottai District.

3.The Tahsildar,
Aranthangi Taluk, Pudukottai District.

4.The Branch Manager,
Tamilnadu Small Industries Development,
Corporation Limited, Pudukottai District.

5.S.Karuppaiah

6.R.Murugaiyan

7.A.Abdullah Ibrahim

8.A.K.Narayanan

9.N.Ganesan

10.K.Subbaraman

11.S.N.Swaminathan

12.S.Mohammed Gani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the proceedings of the third respondent in Na.Ka.No.6582/2012/A1, dated 19.09.2014 and quash the same.

For Petitioners

:Mr.K.Baalasundharam

For R1 to R4

:Mr.A.Muthu Karuppan

Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorari, to quash the impugned order passed by the third respondent in Na.Ka.No.6582/2012/A1, dated 19.09.2014.



2. When the matter was listed earlier on 09.12.2019, there was no representation for the petitioner. Hence, the matter was directed to be listed under the caption "for dismissal" on 10.12.2019. However, on 10.12.2019, the petitioner requested this Court to post the matter next week for reporting settlement of dues.

3. Today, the learned Counsel for the petitioner, submitted that he has no instructions from his clients. Having regard to the reasons for previous adjournments and the fact that the learned Counsel for the petitioner reports no instruction, this Court is not inclined to issue notice to the petitioner.

4. Having regard to the nature of impugned order, whereby, it was informed by the Tahsildar, Aranthangi, that proceedings would be initiated, in case, the amount due to M/s. SIDCO is not settled. It is admitted that the petitioners and their partners have availed loan from M/s. SIDCO and that a sum of Rs.11,02,273/- is due. Without disputing the quantum, that is stated to be due from the petitioners, petitioners submit that they are not liable, as they have retired from the Partnership Firm, which is liable to make the payment.

5. The petitioners admitted that the amount was borrowed from M/s. SIDCO for carrying on business. The petitioners have not stated that they had retired from the Partnership Firm long before the borrowal. No steps have been taken to serve notice to private respondents. The loan would have been secured by mortgage or by personal guarantee. The object of Writ Petition appears to be for stalling the recovery, as they have not disclosed any other security. In such circumstances, this Court do not find any merits in this Writ Petition. Accordingly, this Writ Petition is dismissed as devoid of merits. However, it is open to the petitioners to raise an objection, if they are personally made liable at the appropriate stage. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

cmr

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



To

1.The District Collector,
Pudukottai District, Pudukottai.

2.The Revenue Divisional Officer,
Aranthangi, Pudukottai District.

3.The Tahsildar,
Aranthangi Taluk, Pudukottai District.

+1 CC to M/s.SPL.GP (SR-105329[F] dated 17/12/2019)

W.P.(MD)No.6045 of 2015
16.12.2019

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