

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

W.P.No.14449 of 2018

and

W.M.P.Nos.17060, 17061 of 2018 & 6580 of 2020

J.Vasanth Kumar

...Petitioner

Vs.

1. The Assistant Commissioner of
Commercial Tax,
Pattavakkam Assessment Circle,
No.5, South High Court Colony,
Villivakkam, Chennai - 600049.
2. The Sub - Registrar,
Ambattur Sub Registrar Office,
Ambattur, Chennai.
3. The Chairman & Managing Director,
Tamil Nadu Small Industries
Development Corporation,
Paulwels Junction, Chennai - 16.
4. Tvl. Extol Industries,
Represented by its Proprietrix
No.3, Elango Street,
Venkateshwara Nagar,
Ambattur, Chennai - 53.
5. Authorised Officer,
Indian Bank, Asset Recovery
Management Branch 1,
Circle Office Building,
55, Ethiraj Salai,
Chennai - 600008.

...Respondents

WEB COPY

(R5 impleaded as per order
dt. 11/2/2020 made in
WMP.3814/2020 in WP.14449/2018)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records in pursuance to the notice in RC.696/2004/A3 dated 13.07.2015 issued by the 1st respondent and quash the same as illegal, arbitrary and unjustifiable and direct the 2nd respondent to cancel the encumbrance of the property bearing Plot No.111D, North Face, SIDCO Industrial Estate, Ambattur, Chennai entries made by the 1st respondent in pursuant to the RC.696/2004/A3 dated 13.07.2015 in the office records on the file of the 2nd respondent.

For Petitioner : Mr.A.Thiyagarajan, Sr. Counsel
for Mr.M.Nallathambi

For Respondents: R.Swarnavel
Government Advocate for R1
Mr.T.M.Pappaiah
Spl. Government Pleader for R2
Mr.M.J.Jaseem Mohamed for R3
Mr.T.Sundar Rajan for R5

O R D E R

Today, the matter is listed through Video Conferencing. By consent of both the parties, the Writ Petition is taken up for final disposal.

2. The core issue involved in the present Writ Petition is as to whether the Department or SARFAESI proceedings initiated by the Nationalised Bank, would have the first charge over the property of the petitioner. Such an issue is pending consideration before the Hon'ble Supreme Court in SLP.(C) No.42264 of 2017.

3. It is brought to the notice of this Court that the Hon'ble Apex Court has also passed an interim order directing the parties to maintain status-quo. While that being so, it would not be appropriate for this Court to go into the merits of the issue which is pending consideration before the Hon'ble Supreme Court. However, this Court is of the considered view that if the petitioner is granted liberty to work out his remedy as and when the decision is taken by the Hon'ble Supreme Court, the ends of justice could be secured.

4. In view of the above, both the parties are directed to maintain status-quo as per the order dated 16.03.2018 made in SLP.(C) D.No.20471 of 2017 till a final decision is taken by the Hon'ble Apex Court. Accordingly, the Writ Petition stands closed with liberty to the petitioner to work out his remedy, in accordance with law, subject to the decisions to be taken by the Hon'ble Supreme Court in SLP.(C) No.42264 of 2017. Consequently, connected Miscellaneous Petitions are closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

hvk
To

1. The Assistant Commissioner of
Commercial Tax,
Pattravakkam Assessment Circle,
No.5, South High Court Colony,
Villivakkam, Chennai - 600049.
2. The Sub - Registrar,
Ambattur Sub Registrar Office,
Ambattur, Chennai.
3. The Chairman & Managing Director,
Tamil Nadu Small Industries
Development Corporation,
Paulwels Junction, Chennai - 16.

+1 CC to The Special Government Pleader (Taxes) sr 30805.

सत्यमेव जयते

W.P.No.14449 of 2018
and

W.M.P.Nos.17060, 17061 of 2018 & 6580 of 2020

WEB COPY

LN(CO)
SP(16/10/2020)