

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.21012 of 2014

&

M.P.No.2 of 2014

Goenka Infrastructures Pvt. Ltd.,
Rep. by its Senior Executive,
K.Sathyanathan,
Fountain Plaza,
No.222, Pantheon Road,
Egmore,
Chennai - 600 008. Petitioner

Vs.

- 1.The Tahsildar / Executive Magistrate
Taluk Office,
Government of Union Territory of Puducherry,
Puducherry - 605 009.
- 2.M/s.Protchem Industries (India) Ltd.,
F-105. III Street, Behind Valliammal College,
Anna Nagar East,
Chennai - 600 102.
- 3.The Chairman & Managing Director,
M/s.IDBI Bank Limited,
IDBI Tower,
WTC Complex,
Cuffe Parade,
Mumbai - 400 005.
- 4.M/s.Protchem National Employees Union,
Reg. No.762/RTO/91-PLLF,
No.6, Pudu Nagar,
Abishekhapakkam,
Government of Union Territory of Puducherry,
Puducherry - 605 007. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of the 1st respondent relating to the

impugned order dated 28.07.2014 bearing Ref.No.Nil ad quash the same and consequently, forebear the respondents from in any manner interfering with the possession and enjoyment of the petitioner of its property comprised in Survey Nos.25/1, 26/2, 26/7, 28/1, 29/7, 29/8 at No.67, Thimmanaickenpalayam Village, Abhishekapakkam, Ariyankuppam Commune Panchayat, Puducherry Taluk.

For Petitioner : Ms.Gopika Nambiar
for Mr.S.Kamala Kumar

For Respondent 1 : Mr.B.Nambi Selvan,
Additional Government Pleader (Pondy)

For Respondent 3: Mr.K.Balamurali
for M/s.Shivakumar & Suresh

R2 - vacated

ORDER

This writ petition has been filed challenging the impugned distraint order dated 28.07.2014 passed by the first respondent in respect of the properties of the petitioner at No.67, Thimmanaickenpalayam Village, Abhishekapakkam, Ariyankuppam Commune Panchayat, Puducherry Taluk comprised in S.Nos. 25/1, 26/2, 26/7, 28/1, 29/9 and 29/8.

2. The learned counsel for the petitioner drew the attention of this Court to paragraph 6 of the counter affidavit filed by the first respondent which reads as follows:

" 6. I submit that the 1st Respondent issued Distraint Order dated 28.07.2014 under section 8 of the Puducherry Revenue Recovery Act, 1970 to M/s.Protchem Industries (India) Ltd., Abidhegapakkam, Puducherry and issued notice of Attachment dated 05.01.2015 under section 27 of Puducherry Revenue Recovery Act, 1970 for the said property under R.S.No.28/2B, in Patta No.79 measuring to an extent of 00.40.50 (H.A.C) situated at 67-Thimma Naicken Palayam Revenue Village which was not sold in the said auction. Hence, there is no bar in invoking the provisions of Revenue Recovery Act, 1970."

3. As seen from the afore-mentioned paragraph, the first respondent has made it clear that as of now, the distraint order has been issued only in respect of R.S.No.28/2B, in Patta No.79 measuring an extent of 00.40.50 (H.A.C) situated at 67-Thimma Naicken Palayam Revenue Village. Therefore, the apprehension of

the petitioner that the distraint order has been issued in respect of the properties purchased by the petitioner in the court auction sale in SARFAESI proceedings is unwarranted.

4. In such circumstances, after recording the statement made by the first respondent in paragraph No.6 to their counter affidavit filed in this writ petition in paragraph No.6, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Tahsildar / Executive Magistrate
Taluk Office,
Government of Union Territory of Puducherry,
Puducherry - 605 009.

+1cc to M/s.R.Saravanan, Advocate Sr.4819
+1cc to M/s.Shivakumar, Advocate Sr.4202
+1cc to M/s.Aiyar & Dolia, Advocate Sr.4431
+1cc to the Government Pleader Sr.4257

W.P.No.21012 of 2014

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srg 19/02/2020

सत्यमेव जयते

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