

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17011 of 2020

and

W.M.P.No.21098 of 2020

(Heard through VC)

M/s.Andavar Rice Mill,
Represented by its
Prop: A.Kalibulla,
Door No.60, S.No.60A, 61A & 62A,
Chennai Trichy Trunk Road,
Villupuram - 605 602.Petitioner

vs

1. The Senior Manager (LM&R/Rec)
TIIC Ltd.,
692, Anna Salai,
Nandanam, Chennai - 600 035.
2. The Branch Manager,
The Tamil Nadu Industrial Investment
Corporation Ltd.,
Villupuram Branch,
No.23-A, Ranganathan Road,
1st Floor, Chennai-Trichy Trunk Road,
Villupuram - 605 602.
3. M/s.Shakthi Associates Financial
Services (P) Ltd.,
692, Anna Salai,
Nandanam, Chennai - 600 035.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representations dated 29.05.2019 and 26.06.2019 for ots and also release the property the 4th item of property located in S.No.63/B New T.S.No.28/13B Block No.37 Ward No.A measuring 2745 sq. ft. is close to the National Highway.

For Petitioner : Ms.Shobana Ramasubramanian
For RR1 & 2 : Mr.K.Magesh

O R D E R

The prayer sought for in this writ petition is for a direction to the respondents 1 and 2 to consider the representations dated 29.05.2019 and 26.06.2019 for OTS and also release the property, the 4th item of property located in S.No.63/B New T.S.No.28/13B Block No.37 Ward No.A measuring 2745 sq. ft., close to the National Highway.

2. The petitioner is the proprietor of M/s.Andavar Rice Mill. He wanted to modernise his mill and approached the second respondent for the financial assistance. The respondents 1 and 2 processed his loan application and granted a working capital loan of Rs.50,00,000/- on 19.07.2010, for which, the petitioner has offered 4 items of properties as security. Out of these 4 items of properties 2 properties are owned by petitioner's wife and her sister and the petitioner making payment till 2018 promptly. Due to loss in the business, the petitioner was defaulted in payments and he was served with demand notice by respondent Nos.1 and 2. All the payments made by him were adjusted in interest part and the principal remained intact. Hence, the petitioner sent representations dated 29.05.2019 and 26.06.2019 to the respondents 1 and 2 with a request to consider his proposal for one time settlement and also requested them to release one of the properties. As there was no progress, the present writ petition has been filed.

3. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

4. The learned counsel for the petitioner states that one time settlement processing fees was also collected from him on 06.11.2020. As the representations of the petitioner is pending for more than one and half years, considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to dispose of the representations of the petitioner dated 29.05.2019 and 26.06.2019 and pass appropriate orders on merits and in accordance with law, if already not disposed of, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Senior Manager (LM&R/Rec)
TIIC Ltd.,
692, Anna Salai,
Nandanam, Chennai - 600 035.
2. The Branch Manager,
The Tamil Nadu Industrial Investment
Corporation Ltd.,
Villupuram Branch,
No.23-A, Ranganathan Road,
1st Floor, Chennai-Trichy Trunk Road,
Villupuram - 605 602.

+1cc to M/s.Shabana Ramsubramanian, Advocate, S.R.No.39274
+1cc to Mr.K.Magesh, Advocate, S.R.No.38969

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CP(CO)
KKV/05/01/2021

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