



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2020

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33445 of 2017

Malladi Drugs & Pharmaceuticals Limited,
Represented by its Authorised Signatory,
K. Balasubhramanain,
having registered office at
No.9, G.S.T. Road,
St. Thomas Road,
Chennai - 600 016.

...Petitioner

-vs-

1. Tamil Nadu Industrial Investment Corporation,
represented by its Chairman and Managing Director,
No. 692, Anna Salai,
Nandanam, Chennai - 600 035.
2. State Industries Promotion Corporation of Tamil Nadu Limited,
represented by its Managing Director,
No.19 -A, Rukmani Lakshmipathy Road,
P.O.Box.No. 7223,
Egmore, Chennai - 600 008.
3. Tuper Pharma Chemicals Limited,
represented by its Director,
No.12, First Main Road,
C.I.T. Colony, Chennai - 600 004.

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to issue appropriate certificates and executed and register requisite documents of conveyance, transferring the rights over the auctioned premises bearing Plot No.3, SIPCOT Complex, Ranipet, comprised in Survey No.285 of Vanapadi Village, of an extent of 8.59 acres and 1.50 cents, in favour of the writ petitioner and consequently effect necessary changes as required in the statutory records.



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For Petitioners : Mr. V.G. Suresh Kumar
For Respondents : Mr. Magesh
Standing Counsel [R1]
Mr. Ramesh Venkatachalapathy [R2]
Mr. Ashok Pathy
for M/s. Pass Associates [R3]

ORDER

Heard Mr. V.G. Suresh Kumar, learned counsel for petitioner, Mr. Magesh, learned Standing Counsel for 1st respondent, Mr. Ramesh Venkatachalapathy, learned counsel for 2nd respondent and Mr. Ashok Pathy, for M/s. Pass Associates, learned counsel for 3rd respondent.

2. With the consent of learned counsel on either side, this writ petition itself is taken up for final disposal.

3. The petitioner seeks for issuance of a writ of mandamus to direct the respondents 1 and 2 to issue appropriate certificates and execute and register requisite documents of conveyance, transferring the rights over the auctioned premises bearing Plot No.3, SIPCOT Complex, Ranipet, comprised in Survey No.285 of Vanapadi Village, of an extent of 8.59 acres and 1.50 cents, in favour of the writ petitioner and consequently effect necessary changes as required in the statutory records.

4. The reason for approaching this Court is that the 3rd respondent had raised an objection with regard to the valuation of the property, which was sold by the respondents 1 and 2 on account of default committed by the 3rd respondent. The petitioner is the auction purchaser. Despite having parted with money, the petitioner was unable to obtain the transfer deed from the respondents 1 and 2. The only reason cited by the respondents 1 and 2 is that after the 3rd respondent was unsuccessful up to Hon'ble Supreme Court and withdrew the Special leave petition, he sought for liberty to give a better offer. This was recorded by the Hon'ble Supreme Court in Special Leave to Appeal (Civil) Nos.16734 to 16735 of 1997 dated 14.10.1997. The contention of the 3rd respondent is that they have filed a miscellaneous petition for bringing the fresh offer.

5. In the considered view of this Court, there is absolutely no bonafide and the 3rd respondent's so called offer cannot be accepted. Furthermore, it is on the volition of the 3rd respondent, they made a submission that they will submit an offer.



6. Considering the facts of the case and the stand taken by the respondents 1 & 2, this Court is of the view that there can be absolutely no impediment for the respondents 1 and 2 to execute and register documents of conveyance, transferring the rights over the auctioned premises purchased by the petitioner by virtue of a transfer deed.

7. In the light of the above, the writ petition is allowed as prayed for. The respondents 1 and 2 are directed to issue appropriate certificates and execute and register requisite documents of conveyance transferring the rights upon compliance of any condition that may be required to be complied with by the petitioner. This direction shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

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To

- 1.The Chairman and Managing Director,
Tamil Nadu Industrial Investment Corporation,
No. 692, Anna Salai,
Nandanam, Chennai - 600 035.
2. The Managing Director,
State Industries Promotion Corporation
of Tamil Nadu Limited,
No.19 -A, Rukmani Lakshmipathy Road,
P.O.Box.No. 7223, Egmore, Chennai - 600 008.

+1cc to Mr.K.Magesh, Advocate, SR.No.14053.
+1cc to Mr.Ramesh Venkatachalapathy, Advocate, SR.No.15322.
+1cc to M/s./Dass Associates, Advocate, SR.No.14531.
+1cc to Mr.V.G.Suresh Kumar, Advocate, SR.No.14116.

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SSI (CO)
CSR: 06.03.2020