



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2020

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THE HONOURABLE MR. JUSTICE **R. PONGIAPPAN**

W.P. (MD) .No.7493 of 2020

WEB COPY

D.A.Thejeshwari

... Petitioner

Rep.by her Power Agent

N.Babaiahswami Naidu

Vs.

1.The Commissioner of Police,
Subramaniyapuram,
Tiruchirapalli 620020.

2.The Deputy Commissioner of Police,
District Crime Branch,
Cantonment,
Tiruchirapalli 620001.

3.The Assistant Commissioner of Police,
Ponmalai,
Tiruchirapalli 620004.

4.The Inspector of Police,
Ponmalai Police Station,
Golden Rock,
Tiruchirapalli 620004

5.The Inspector of Police,
Crime Branch Cantonment,
Tiruchirapalli 620001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1, 2 and 5 to consider the petitioner's representation dated 01.07.2020 within a time frame that may be fixed by this Court to prevent the unauthorized and illegal transportation of factory shed, machineries and transformers from the factory premises of TSRM Company situated at No.603, Senthaneerpuram Golden Rock Post, Tiruchirapalli 620004.

For Petitioner : Mr.Shangar Murali

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor**ORDER**

The case of the petitioner is that TSRM is a registered Company registered under the provisions of company Law. The petitioner's principal's father viz., Audikesavalu Naidu, was the



founder of TSRM Company and he was holding 11,13,827 shares in TSRM Company. The said TSRM Company discontinued its operation in December 2006 and attempted to restart its operation in June 2012. However, all the efforts were ended in vain and thereby the said Company came to a grinding halt and went into shut down from May 2013 onwards. In the TSRM Company, there are three directors, viz., D.A.Srinivas/Brother of the principal of the petitioner, K.Siva Shanmugam and K.Padmarajan. The said Siva Shanmugam and Padmarajan are not holding any shares in the TSRM Company. The petitioner's principal's brother D.A.Srinivas is the chairman of the TSRM Company. The said Audikesavalu Naidu died intestate on 24.04.2013 leaving behind him, his wife, his son D.A.Srinivas and daughters D.A.Thejeswari/the petitioner's principal and D.A.Kalpna. The petitioner's principal's father has not transferred his share during his life time.

2.After the demise of the said Audikesavalu Naidu, his shares shall devolve upon his legal heirs. The petitioner's principal, her sister and mother are deemed to be directors of the TSRM Company and the petitioner has obtained all the information from the Ministry of Corporate Affairs. The annual return submitted by the TSRM Company for the period 2018-19, disclosure of general information and the list of share holders of TSRM Company issued by the Ministry of Corporate Service and the receipt issued by the Ministry of Corporate Affairs vouchsafed the contention of the petitioner as true. When the above stated facts are true and clinching the state of affairs, the said D.A.Srinivas entered into an unregistered sale agreement dated 06.06.2019 with M/s.Salt Lamps Building Materials Pvt Ltd., to dismantle the factory shed, transport the machineries, tools, Angles Iron, Aluminim and Copper bars worth about several crore. But prior to the said agreement, the said Salt Lambs Building Materials Pvt Ltd., issued work order to Ashvic Associate on 31.05.2020. Therefore, the said agreement was cancelled by the said D.A.Srinivas on 06.06.2019 as the Salt Lamps Building Materials Pvt. Limited, has failed to perform its contractual obligations. Inspite of the same, the said agreement holder has hurriedly transported the waste materials.

3.On noticing the illegal dismantling of factory shed, the petitioner herein on 13.06.2020 has lodged a complaint before the first respondent. Pursuant to which, the said Salt Lamps Buildings Materials Pvt Ltd., advised its sub contractors to stop dismantling of the factory shed and cutting of iron rods copper and Aluminium bars. Now, the sub contractors again attempted to dismantle the factory shed illegally. The petitioner apprehends to dismantle the remaining portion of the factory shed and its materials and also to his life at the hands of Prasath Sri Sailam and Viravel/Stooge of Prasath Srisailam. Further, they are not allowing him to enter into the factory premises. Hence, the petitioner prayed the relief of writ of mandamus directing the respondent Nos.1, 2 and 5 to consider the petitioner's representation dated 01.07.2020 within the time frame to prevent unauthorized and illegal transportation of factory



shed, machineries and transformers from the factory premises of TSRM Company.

4.The learned counsel appearing for the petitioner would submit that since the respondents did not consider the representation dated 01.07.2020 given by the petitioner within the time frame, the aforesaid Prasath Sri Sailam and Viravel/Stooge of Prasath Srisailam, transported the factory sheds illegally and causing much inconvenience to the petitioner.

5.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the petition presented by the petitioner before the fourth respondent was now transferred to the fifth respondent, for enquiry.

6.The affidavit filed by the petitioner will disclose the fact that the petitioner's principal is the legal representative to the founder of TSRM company. If there is a dispute arose between the legal heirs of founder, the same can be settled only by due process of law and not otherwise. Now, the averments set out in the affidavit filed by the petitioner in support of this petition will disclose the fact that some third party attempted to dismantle the factory shed illegally. Obviously, it can be protected by means of law. Therefore, it is a fit case to issue a direction to the respondent Nos.1,2 and 5 to consider the representation dated 01.07.2020 given by the petitioner immediately, on merits and in accordance with law, within a period of 30 days from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To

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AP (27.07.2020) 4P-6C