



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2020

CORAM

THE HONOURABLE **MR. JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.9903 of 2020

M/s.KMK Polymers
Through its Partner, M.Ramesh Kumar,
S/o.Muthukrishnan,
No.27, Padikattuthurai,
Karur-639001.

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Collectorate Road, Karur-7.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
North Pradhakshanam Road, Karur-639001.

3.The Tahsildar, Taluk Office,
Manmangalam & Post, Karur District.

4.M/s.Siemens Financial Services Private Limited,
Through its Authorised Officer,
Door No.272/688, Anna Salai Service Line,
Chennai-600006.

5.M/s.Prime Industry, through its partner,
R.Padmanabhan, S/o.A.P.Ramasamy,
Old No.27, New No.75,
Ramanujam Nagar,
Karur-639002.

6.P.Srinivasan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents 1 to 3 to de-seal the premises bearing Plot No.18 and to shift the machineries to plot Nos.13 & 14, owned by the fifth respondent and consequently to hand over the premises bearing plot No.18 at SIDCO Industrial Estate, New Salem Bye-pass Road, Karur in S.F.No.560/1A & 1B part of Authoor Village, Karur Taluk, Karur District to the petitioner.

For Petitioner : Mr.M.P.Senthil

For R1 to R3 : Mr.M.Rajarajan,
Additional Government Pleader.



For R4 : Mr.Balakumaran

For R5 & R6 : No Appearance

ORDER

Heard the learned counsel appearing on either side.

2.The fifth respondent/M/s.Prime Industry had availed financial facility from the fourth respondent/M/s.Siemens Financial Services Private Limited. The fifth respondent had taken the petitioner's premises on rent for running their unit. The fifth respondent had committed default in servicing loan obligations. Therefore, the fourth respondent took action under the SARFAESI Act and sealed the premises.

3.As a result, the fifth respondent is not in a position to pay monthly rent to the petitioner herein. The petitioner has been put to considerable loss. Therefore, the petitioner has moved this Court for de-sealing the premises and for shifting the machinery kept inside in the sealed premises. The petitioner is the owner of the premises bearing plot no.18 in SIDCO Industrial Estate, New Salem Bye-pass Road, Karur in S.F.No.560/1A & 1B part of Authoor Village, Karur Taluk, Karur District. It appears that the fifth respondent is owning two other premises in plot nos.13 and 14 in the very same Industrial Estate.

4.Therefore to balance the right of both the parties, I direct the respondents 1 to 3 to un-seal the premises in plot No.18. It is admitted by the learned counsel appearing for the fifth respondent that the machineries installed inside have been hypothecated in favour of the fourth respondent. Therefore, under the supervision of the fourth respondent, all the machineries installed in plot no.18, will be shifted to plot Nos.13 and 14 and the same will be sealed. The petition mentioned plot No.18 will, thereafter, be restored to the possession of the writ petitioner.

5.The process of un-sealing and shifting the machineries will be duly photographed not only by the petitioner but also by the respondents herein. The writ petition stands allowed, on these terms. No costs.

Sd/-

Assistant Registrar(CO)

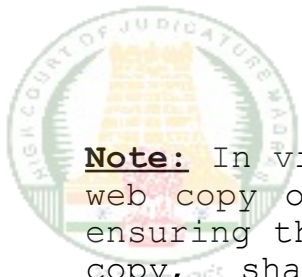
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Sub Assistant Registrar(CS)

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WEB COPY

To

- 1.The District Collector,
Collectorate,
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Office of the Revenue Divisional Officer,
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- 3.The Tahsildar,
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+2 CC to M/s.M.P. SENTHIL, Advocate (SR-18641[F] dated 01/10/2020)

W.P. (MD)No.9903 of 2020
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NS (CO)
TR(12.10.2020) 3P 6C