



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.23804 of 2012

and

M.P.No.1 of 2012

Selvarani Cotton Mills Pvt. Ltd.,
No.20/21, Rajashanthi Apartment,
Natham Road, Dindigul,
Rep. by its Director S.Perumal.

... Petitioner

Vs

1. The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office, Coimbatore,
1897, Trichy Road,
Panchdeep Complex,
Ramanathapuram.

2. M/s.Selvarani Spinning Mills Ltd.,
(formerly GTV Spinners)
Pulakinar (P.O), Udumalpet,
Tirupur District,
Rep. by its Director
Mr.T.Shanmugam.

3. Board for Industrial and
Financial Reconstruction,
Jawahar Vyapar Bhavan,
1, Tolstoy Marg,
New Delhi - 110 001.

4. The Deputy General Manager,
Central Bank of India,
14-15, Variety Hall Road,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the 1st respondent in No.56/00/014382/000/0105/CP-18/RRC dated 17.08.2012 for bringing the land and building of the 2nd respondent company situated in S.F.No.248/2b, 245/E2B, 245/E1A,



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249/6, 272/A1A1 and 273/1C3 at Pulankinar Post, Udumalpet -42
122 of Pulankinar Village (Revenue), Udumalpet Taluk, Tirupur
District and quash the same.

For Petitioner : S.Nedunchezhiyan
for Mr.G.Sankaran

For R1 : Mr.K.Prabakar
For R2 : Mr.A.Baskaran
For R3 : Mr.K.Sivasubramanian

ORDER

The petitioner herein is aggrieved against the impugned notice of proclamation of sale dated 17.08.2012, whereby, the Employees Employees' State Insurance Corporation had sought for bringing the second respondent's property for sale, scheduled to be held on 03.09.2012.

2. Pending the writ petition, the proclamation of sale was stayed by this Court, through an order dated 31.08.2012. Apparently, the sale could not have taken place on the scheduled date of auction and the date fixed for the auction has also expired.

3. In this factual scenario, if at all the respondents are of the view that the property requires to be brought on sale, they are required to issue a fresh proclamation of sale and therefore, no effective proceedings can be initiated from the present impugned sale notice.

4. In view of the same, the writ petition stands closed and the impugned order of proclamation of sale is declared to have become redundant. However, if the respondents are of the view that they are still entitled to recover the arrears, it is always open to them to proceed in a manner provided under law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

hvk



To

1. The Recovery Officer,
Employees State Insurance Corporation,
Sub Regional Office, Coimbatore,
1897, Trichy Road,
Panchdeep Complex,
Ramanathapuram.

2. Board for Industrial and
Financial Reconstruction,
Jawahar Vyapar Bhavan,
1, Tolstoy Marg,
New Delhi - 110 001.

3. The Deputy General Manager,
Central Bank of India,
14-15, Variety Hall Road,
Coimbatore.

+1cc to Mr.Hariharan, Advocate, S.R.No.38668
+1cc to Mr.K.Prabakar, Advocate, S.R.No.38353

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M.P.No.1 of 2012

SR-II(CO)
CT/01/09/2021