

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.7488 of 2021

M/s.Mahavir Plantations Pvt Ltd.,
Rep.by its Director Lalu T.Bhansali,
Naduvattam, Niligiris District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Labour & Employment Department,
Fort St.George, Chennai - 9.

2.The District Collector,
Collectorate,
Udhagamandalam, Nilgiris.

3.The Tasildhar,
Udhagamandalam Taluk,
Nilgiris District - 643 001. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus, directing the respondents to withdraw the notices issued against the petitioner's property under Form - 5 dated 01.10.2020 and Form - 6 dated 05.10.2020 and Form - 7 dated 05.11.2020 in light of the order passed by this Hon'ble Court in W.A.No.4052 of 2019 dated 06.02.2020 and the Hon'ble Apex Court in SLP (c).No.9658 of 2020 dated 27.10.2020.

For Petitioner : M/s.Stalin Abhimanyu
for AMI V.Kataria

For Respondents : M/s.Thangavadhana Balakrishnan
Additional Government Pleader

O R D E R

The writ petition has been preferred seeking direction directing the respondents to withdraw the notices issued against the petitioner's property under Form - 5 dated 01.10.2020, Form

- 6 dated 05.10.2020 and Form - 7 dated 05.11.2020, in view of the orders passed by the Hon'ble Supreme Court in SLP (c) No.9658 of 2020 dated 27.10.2020.

2. When the matter is taken up for admission, the learned Additional Government Pleader took time for getting instructions. Accordingly, she has submitted that the auction was not conducted as on 07.12.2020. Thereafter the respondents were informed that Mr. Justice A.M. Sapre, taken up this matter as per the order of the Hon'ble Supreme Court in SLP(c) No.9658 of 2020 appointed as one man commission and has seized of the matter. The Hon'ble Supreme Court has also granted stay of recovery proceeding on condition that the petitioner pays 50% of the amount.

3. It is also reported that in compliance with the order of the Hon'ble Supreme Court, the petitioner has already deposited 50% of the amount as directed and therefore, the respondents are not taking any further action in this matter. Hence, nothing survives for further adjudication.

4. Since it is asserted that no action is taken in furtherance of notice mentioned in the writ petition under Form - 5, Form - 6 and Form - 7, the recovery action has become infructuous. The respondents if they decide to initiate recovery proceedings, they shall do the same by issuing fresh notices in accordance with law and they shall not continue recovery proceedings on the basis of the above obsolete notices issued in Form - 5, Form - 6, Form - 7.

5. The submissions made by learned Additional Government Pleader are recorded and since the matter is subjudice before one man commission, no further orders are required.

6. The writ petition is closed accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pns
To

1. The Secretary to Government,
The State of Tamil Nadu,
Labour & Employment Department,
Fort St. George, Chennai - 9.

2.The District Collector,
Collectorate,
Udhagamandalam, Nilgiris.

3.The Tasildhar,
Udhagamandalam Taluk,
Nilgiris District - 643 001.

+lcc to M/s.A.M.I.Kataria, Advocate Sr.19825
+lcc to the Government Pleader Sr.19367

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srg 06/07/2021



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