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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.28746 of 2015

and

M.P.No. 1 of 2015

Manesh Agarwal  
Director,  
M/s.Shakambri Plywoods (P) Ltd.,  
147, Nalur Erikarai Road,  
Minjur 601 203  
Ponneri Taluk, Thiruvallur District.

... Petitioner

Vs.

1. M/s. The Tamilnadu Industrial  
Investment Corporation Limited,  
By its Branch Manager,  
(Special Recovery Branch)  
692, Anna Salai, Nandhanam,  
Chennai - 600 035

2. M/s. Regina Plywoods (P) Limited,  
By its Managing Director,  
D. Velladurai  
70/2B New Street Second Lane,  
Ayanavaram,  
Chennai - 600 023.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to handover all Original Title Deeds and other documents pertaining to the property viz: Industrial Shed comprising land measuring an extent of 1.00 Acre, comprised in Survey No. 279/1 (as per Patta No. 67, the Survey No. 279/1A) situate in Nalur Village, together with the buildings, Plant and Machinery situate at No.147, Nalur Erikarai Road, Minjur 601 203e, Ponneri Taluk, Thiruvallur District, to the petitioner.



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For Petitioner : M/s.Rathina Asohan  
For R1 : Mr.K.Magesh  
For R2 : Mr.S.Phillip

O R D E R  
(Through Video Conferencing)

The relief sought for in the present writ petition is to direct the first respondent to handover all Original Title Deeds and other documents pertaining to the property viz., Industrial Shed, comprising land measuring an extent of 1.00 Acre, comprised in Survey No. 279/1 (as per Patta No. 67, the Survey No. 279/1A) situate in Nalur Village, together with the buildings, Plant and Machinery, situate at No.147, Nalur Erikarai Road, Minjur 601 203, Ponneri Taluk, Thiruvallur District.

2.The learned counsel appearing on behalf of the 1<sup>st</sup> respondent Tamil Nadu Industrial Investment Corporation made a submission that the 2<sup>nd</sup> respondent is the borrower from the 1<sup>st</sup> respondent and the documents were mortgaged by the 2<sup>nd</sup> respondent and therefore, the documents are to be handed over by the 1<sup>st</sup> respondent only to the 2<sup>nd</sup> respondent.

3.Thus, the petitioner is not a party to the contract between the 1<sup>st</sup> respondent and the 2<sup>nd</sup> respondent. If any dispute prevails between the petitioner and the 2<sup>nd</sup> respondent, it is for them to resolve the issues. As far as the return of documents is concerned, the 1<sup>st</sup> respondent is bound to follow the terms and conditions as well as the rules in force.

With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

mkkn



To

The Branch Manager,  
M/s. Tamilnadu Industrial Investment Corporation Limited,  
(Special Recovery Branch)  
692, Anna Salai, Nandhanam,  
Chennai - 600 035.

+1cc to Mr.K.Magesh, Advocate Sr No.55358  
+2ccs to Mr.S.D.S.Phillip, Advocate Sr No.55938  
+1cc to M/s.Rathina Asohan, Advocate Sr No.55176

W.P.No.28746 of 2015

SPD (CO)  
PR (01/11/2021)