



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19545 of 2021

S.Anantha Jothi

...Petitioner

-Vs-

1. The Managing Director
Tamil Nadu Industrial Investment
Corporation Limited, Chennai-600 035.
2. M/s.Sri Sky Associates
No.137-138, Thiruvaymozhi Street
Ayyanar Avenue, Oil Mill
Tiruvallur-620 001.
3. M/s.ACL Cements Private Limited
Represented by its Managing Director
No.156/164, Demellows Road
Pattalam, Chennai - 600 012.

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner representation dated 14.07.2021.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.K.Magesh
Standing Counsel - for R1

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 14.07.2021, wherein the petitioner is volunteering to pay a sum of Rs.90 Lakhs and is requesting the respondents to release the property from the mortgage.

2. Heard Mr.V.V.Sairam, learned counsel appearing for the petitioner and Mr.K.Magesh, learned Standing Counsel appearing for the first respondent.



3. The case of the petitioner is that her husband purchased the subject property from the third respondent by virtue of a registered sale deed dated 12.12.2008 without realizing the fact that the property was already subject to a mortgage before the first respondent. The further case of the petitioner is that, even during his life time, he had paid a sum of Rs.7,00,000/- to the first respondent after coming to know about the mortgage. It is stated that the husband of the petitioner died on 19.02.2017 leaving behind the petitioner and her two minor daughters.

4. The petitioner immediately after coming to know about the mortgage and the steps being taken by the second respondent as the recovery agent to bring the property for sale, made a representation to the respondents volunteering to pay a sum of Rs.90 Lakhs and requested the respondents to release the subject property from the mortgage. Since the same was not considered, the present writ petition has been filed.

5. This Court carefully went through the representation made by the petitioner on 14.07.2021. This representation is completely bereft of details and this representation can never be acted upon. However, considering the facts and circumstances of the case, there shall be a direction to the petitioner to submit a detailed representation to the first respondent and the first respondent shall consider the same on its own merits and in accordance with law and shall convey the decision to the petitioner within a period of four weeks from the date of receipt of the representation from the petitioner. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

KST

To
The Managing Director,
Tamil Nadu Industrial Investment Corporation Limited,
Chennai-600 035.

+lcc to Mr.K.Magesh, Advocate, S.R.No.50636
+lcc to Mr.V.V.Sairam, Advocate, S.R.No.50573

W.P.No.19545 of 2021

RSV(CO)
RGA(04/10/2021)