



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8272 of 2021

and

W.M.P.(MD).Nos.6258 & 6259 of 2021

P.Ganapathy

... Petitioner

Vs.

The Branch Manager,
Tamil Nadu Industrial Investment Corporation Limited,
(Sponsored by the Government of Tamil Nadu),
K.R.T. Building, II Floor,
Promenade Road, Cantonment,
Trichy District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication of the respondent in his proceedings in TIIC/TRICHY/BO/FU-POSSESSION/2020-21, dated 23.01.2021 and quash the same and consequently direct the respondent to consider the petitioner's OTS proposal, dated 29.01.2021, within a time frame as fixed by this Court.

For Petitioner	: Mr.B.Prahalad Ravi
For Respondent	: Mr.R.Saravanan

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the respondent, dated 23.01.2021 and for a consequential direction to consider one time settlement proposal given by the petitioner on 29.01.2021.

2. When the matter came up for admission on 23.04.2021, this Court passed the following order:-

"Mr.G.Murugan, learned Standing Counsel takes notice on behalf of the respondent.

2. Even though the petitioner has challenged the impugned notice issued by the respondent on 23.01.2021, the learned counsel appearing on behalf of the petitioner submitted that the petitioner wants to give a proposal for a one time settlement and therefore, till then, the respondent must be restrained from recovering the amount from the petitioner.



3. The learned Standing Counsel appearing on behalf of the respondent, based on instructions, submitted that the petitioner is due and payable, as on 31.03.2021, a sum of Rs.50,40,714/- (Rupees Fifty Lakhs Forty Thousand Seven Hundred and Fourteen only). The learned Standing counsel further submitted that even if the one time settlement proposal is to be considered, the petitioner has to pay a minimum of 20% out of the outstanding dues.

4. Taking into consideration the facts and circumstances of the case and in order to give one last opportunity to the petitioner, the petitioner is directed to deposit a sum of Rs.12,50,000/- (Rupees Twelve Lakhs and Fifty Thousand only) on or before 28.05.2021, before the respondent along with a proposal for one time settlement. It is made clear that if the petitioner fails to comply with this condition, this Court will proceed to dismiss this Writ Petition, since no legal grounds have been made out by the petitioner. If the petitioner complies with the condition imposed by this Court, the learned Standing Counsel for the respondent shall take instructions on the one time settlement that is going to be proposed by the petitioner.

5. Post this case under the caption "For Orders" on 03.06.2021. In the meantime, the impugned notice issued by the respondent, dated 23.01.2021, shall be kept in abeyance."

3. When the matter was taken up for hearing today (16.06.2021), it was brought to the notice of this Court that the condition imposed by this Court has not been complied with by the petitioner.

4. In view of the same, the present Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.B.PRAHALADRAVI, Advocate (SR-19491[F] dated 17/06/2021)

TO

The Branch Manager,
Tamil Nadu Industrial Investment Corporation Limited,
(Sponsored by the Government of Tamil Nadu),
K.R.T. Building, II Floor,
Promenade Road, Cantonment,
Trichy District.

+1 CC to M/s.SPL GP (SR-19558[F] dated 17/06/2021)

+1 CC to M/s.R.SARAVANAN, Advocate (SR-19485[F] dated 17/06/2021)

+1Cc to Mr.B.Prahalad Ravi, Advocate, Sr.No.19491 dated 17.06.2021

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16.06.2021

KB(23.06.2021) 3P 5C