



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.4185 of 2020

and

W.M.P.Nos.4946, 4949 & 4951 of 2020

M/s.Avathar Rotary
Rep by its Managing Director,
Tmt.D.Saraswathi,
W/o.R.Duraisamy,
SF.No.43/3A1, 3A1-D,
Appachi Ayya Thottam,
Suriyampalayam,
Vasavi College Post,
Erode - 638 316.

... Petitioner

Vs.

The Tamilnadu Industrial Investment
Corporation Ltd,
Erode Branch Office,
C.S.Sengottiah Complex,
No.23, Chidambaram Colony,
2nd Floor, 80 Feet Road,
Periyar Nagar,
Erode - 638 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of the respondent in TIIC/ERD/FU/2019-2020, dated 04.02.2020 and quash the same and direct the respondent to break open the seal made in the premises of the petitioner in SF.No.43/3A1, 3A1-D, Appachi Ayya Thottam, Suriyampalayam, Vasavi College Post, Erode - 638 316.

For Petitioner : Mr.D.Balachandran

For Respondent : Mr.K.Magesh
Standing Counsel



ORDER

WEB COPY This writ petition has been filed to call for the records relating to the proceeding of the respondent in TIIC/ERD/FU/2019-2020, dated 04.02.2020 and quash the same and direct the respondent to break open the seal made in the premises of the petitioner in SF.No.43/3A1, 3A1-D, Appachi Ayya Thottam, Suriyampalayam, Vasavi College Post, Erode - 638 316.

2.The learned Standing Counsel for the respondent submits that the possession of the property was taken on 13.02.2020. After the writ petition was filed and that during the pendency of the writ petition the plant and machinery was also been auctioned on 10.12.2021.

3.It is further submitted that during the pendency of the present writ petition, the petitioner had merely asked for a time to submit a proposal to the respondent for clearing the liabilities in a time bound manner. However, the petitioner failed to make any such proposals and therefore the plant and machinery were auctioned on 10.12.2021.

4.Considering the fact that the plant and machinery has been auctioned on 10.12.2021 under the provisions of the State Finance Corporation Act, 1926 and nothing survives for adjudication in this writ petition. The petitioner is at liberty to recover the loss, if any, from the respondent for being auctioned the property.

5.Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CCC)

// True Copy //

Sub Assistant Registrar

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To

The Tamilnadu Industrial Investment
Corporation Ltd,
Erode Branch Office,
C.S.Sengottiah Complex,
No.23, Chidambaram Colony,
2nd Floor, 80 Feet Road,
Periyar Nagar,
Erode - 638 001.

+1cc to Mr.D.Balachandran, Advocate SR.No.33948
+1cc to Mr.K.Magesh, Advocate SR.No.33983

W.P.No.4185 of 2020
and

W.M.P.Nos.4946, 4949 & 4951 of 2020

RK(CO)
CB(06/07/2022)