



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28401 of 2015

M/s.Steel World,  
Rep. by its Proprietor  
Abdul Razak, S/o. Lathieef,  
48/29, Poonamallee Road,  
Ekkattuthangal,  
Chennai.

...Petitioner

Vs

1.The Government of Tamil Nadu,  
Rep. by its Secretary,  
Industries Department,  
Fort St. George, Chennai - 9.

2.The D.R.O. cum Managing Director,  
The Dharmapuri District Co-Op.  
Sugar Mills Ltd.,  
Palacode Taluk, Dharmapuri District,  
Tamil Nadu - 636 808.

3.The Special Officer,  
The Dharmapuri District Co-Op.  
Sugar Mills Ltd.,  
Palacode Taluk, Dharmapuri District,  
Tamil Nadu - 636 808.

4.The Regional Manager,  
M.S.T.C. Limited,  
Leelavathi Building, 69, Armenian Street,  
Chennai - 600 101.

5.The Inspector of Police,  
Palacode Police Station,  
Palacode, Dharmapuri District,  
Tamil Nadu - 636 808.

... Respondents



PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second and third respondents to release the remaining 95 metric tons of MS scrap materials or alternatively return back the money being the value of the remaining 95 metric tons MS Scraps to the petitioner herein, in connection with the E-auction MSTC/SRO/The Dharmapuri District Co-op Sugar Mills Ltd/1/Palacode Taluk/ 15/16/176 as sought vide representation dated 20.08.2015.

For Petitioner : Mr.I.Abdul Basith

For Respondents

R1 & R5 : Mrs.N.Senthil Selvi  
Government Advocate  
R2 : Mr.R.Bala Ramesh  
R3 : Mr.S.Jayachandran  
R4 : Mr.P.Subba Reddy

#### O R D E R

The relief sought for in the present writ petition is to direct the second and third respondents to release the remaining 95 metric tons of MS scrap materials or alternatively return back the money being the value of the remaining 95 metric tons MS Scraps to the petitioner herein as sought for vide representation dated 20.08.2015.

2.The petitioner firm is doing business in all kinds of scraps, plants and machineries. The respondents 2 and 3 conducted an E-Auction on 08.04.2015 through the 4<sup>th</sup> respondent for selling a total quantity of 116.0 Metric Tons of MS Scraps for total value of Rs.31,38,777/-. The petitioner firm had been declared as a successful bidder and paid a sum of Rs.31,38,777/- as a sale consideration. The petitioner firm was allowed to take delivery of the auction sold 116 Metric Tons of MS Scraps from the premises of the respondents 2 and 3. On 29.05.2015, a quantity of 9.600 Metric Tons were taken delivery as a first load and again on 02.06.2015, a quantity of 11.500 Metric Tons were allowed to be taken delivery as second load after getting prior approval from the concerned officials. However, thereafter the petitioner was permitted in view of the fact that an allegation of theft was noticed by the authorities and a criminal case was registered against the petitioner. Thereafter, the petitioner was not allowed to take delivery of the materials. Thus, the petitioner is constrained to move the present writ petition.



3.The learned counsel for the petitioner made a submission that in the event of not allowing the petitioner to take delivery of the goods [MS Scraps], then the amount deposited by the petitioner is to be returned back.

4.It is not in dispute that the criminal case registered against the petitioner is pending and further based on the E-Auction, the petitioner was declared as a successful bidder and an agreement was entered into between the petitioner and the respondents. Thus, it is a contractual obligation between the parties. In such circumstances, the Writ Court cannot conduct a roving enquiry with reference to the disputed facts. The disputed facts are to be adjudicated with reference to the documents and evidences and if necessary, through oral evidences. Such a process cannot be undertaken under Article 226 of the Constitution of India as in the present case, there is an allegation of theft against the petitioner and a criminal case was registered and removing of goods involves certain terms and conditions of the agreement which also requires an adjudication. Therefore, this Court is of an opinion that the petitioner has to approach the competent Court of law for appropriate remedy. Contrarily, this Court cannot conduct an elaborate adjudication of such disputed facts, more specifically, when a criminal case is pending and further, the relief sought for relates to terms and conditions of contract.

5.In this view of the matter, the petitioner is at liberty to approach the appropriate Court of law for redressal of grievance. In the event of any such approach, the Court shall consider the period during which the writ petition was pending before this Court for the purpose of condoning the delay and the issues are to be decided on merits and in accordance with law.

6.With these observations, the writ petition stands disposed of. No costs.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



cse  
To

- 1.The Secretary,  
Government of Tamil Nadu,  
Industries Department,  
Fort St. George, Chennai - 9.
- 2.The D.R.O. cum Managing Director,  
The Dharmapuri District Co-Op.  
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Palacode, Dharmapuri District,  
Tamil Nadu - 636 808.

+1cc to Mr.I.Abdul Basith, Advocate Sr.4543  
+1cc to Mr.Bala Ramesh, Advocate Sr.4083  
+1cc to Mr.P.Subba Reddy, Advocate Sr.3465  
+1cc to the Government Pleader Sr.4734, 4292

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srg 08/02/2022