



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.1279 of 2017
and W.M.P.No.1207 of 2017

M/s.Swetha Modern Rice Mill,
Represented by its Proprietor,
K.Venkatesan
No.3, Meyyur Road,
Monnavedu Village & Post,
Tiruvallur District - 602 021.

...Petitioner

Vs

The Tamilnadu Industrial Investment
Corporation Limited.,
A Government of Tamilnadu Undertaking
Tiruvallur Branch,
No.86, C & D, 2nd Main Road,
Ambattur Industrial Estate,
Chennai - 600 058.

...Respondent

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorari, calling for the records of the respondent in its proceedings vide TIIC/TVLR.LAO/2016-17 dated 28.12.2016 and quash the same.

For Petitioner : No Appearance

For Respondent : Mr.K.Magesh
Standing Counsel

ORDER

This Writ Petitioner has been filed seeking to calling for the records of the respondent in its proceedings vide TIIC/TVLR.LAO/2016-17 dated 28.12.2016 and quash the same.

2.By virtue of the impugned order, the respondent intent to auction the scheduled mentioned property due to the non-payment of the loan amount by the petitioner. Aggrieved over the same, the present Writ Petition has been filed.

3.When the matter came up for hearing today, Mr.Mohideen, learned counsel on record for the petitioner does not appear. Mr.V.Karthikeyan, learned counsel appeared and submitted that



he has already given change of vakalat for the petitioner and since his name is printed in Writ Miscellaneous Petition he appeared today. Based on the earlier instruction, he submitted that OTS proposal was made by the petitioner and the same was also considered by the respondent. In this regard, he referred a letter dated 27.12.2021, wherein, the petitioner's OTS proposal was considered and three months time was granted to make the payment of Rs.41,72,000/-. Therefore, he submitted that based on the impugned constructive possession notice, the respondent cannot proceed with the auction any more.

4.The learned Standing Counsel appearing for the respondent also submitted that though the constructive possession notice was issued to the petitioner, now, the respondent cannot take over the possession of the petitioner, since the respondent had approved the petitioner's OTS proposal.

5.In view of the above submissions, this Court is of the view that, though the respondent had issued the constructive possession notice to the petitioner, subsequently, the petitioner's request for the OTS approval was considered by the respondent and three month time was granted to make the payment. therefore, nothing survives for further adjudication.

6. In the result, this Writ Petition is dismissed. No Costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

The Tamilnadu Industrial Investment
Corporation Limited.,
A Government of Tamilnadu Undertaking
Tiruvallur Branch,
No.86, C & D, 2nd Main Road,
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+1cc to Mr.K.Magesh, Advocate SR. No.3252

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