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W.P.Nos.24453 and 24454 of 2001

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.24453 and 24454 of 2001

W.P.No.24453 of 2001:

P.V.Devarajan

.. Petitioner

VS

- 1.Union of India,
rep. by its Secretary,
Dept. of Company Affairs,
Shastri Bhavan, New Delhi-110 001.
- 2.India Tourism Development Corpn. Ltd.,
rep. by its Chairman and Managing Director,
Core 'B', SCOPE Complex,
7, Lodi Road,
New Delhi-110 003.
- 3.Hotel Hassan Ashok,
Bangalore-Mangalore Road,
Hassan-573 201.



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4.Malanad Hotels & Resorts Pvt. Ltd.,
Sister concern of the SBG Group
Bangalore-Mangalore Highway,
Hassan-573 201.

5.Hotel Agra Ashok,
6-B, Mall Road,
Agra-282 001.

6.M/s.Mohan Singh & Co.,
Ellora Lodge,
M.G. Road, Opp. Subhash Park,
Agra-282 002,
Uttar Pradesh.

7.Hotel Ashok,
Kumarakrupa High Grounds,
Bangalore-560 001
Karnataka.

8.Bharat Hotels Limited,
Hotel Grand Intercontinental
Barakhamba Lane
New Delhi.

9.Hotel Bodhgaya Ashok
Caya District,
Bodhgaya – 824 231
Bihar.

10.Lotus Nikko Hotels Limited,
6 A/B, Gopala Towers,
No.25, Rajendra Place,
New Delhi-110 008.



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11.Lazard India Limited,
62, Basant Lok
Vasanth Vihar
New Delhi-110 005.

.. Respondents

W.P.No.24454 of 2001:

All India I.T.D.C. Employees Union,
(Regn. No.1465/70 affiliated to AITUC)
rep. by its Branch Secretary R.Kumarasamy,
No.34, Bharathi Street,
Poonjchery,
Mamallapuram-603 104.

.. Petitioner

VS

1.Union of India,
rep. by its Secretary,
Dept. of Company Affairs,
Shastri Bhavan, New Delhi-110 001.

2.India Tourism Development Corpn. Ltd.,
rep. by its Chairman and Managing Director,
Core 'B', SCOPE Complex,
7, Lodi Road,
New Delhi-110 003.

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- 5.Hotel Agra Ashok,
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Agra-282 001.
- 6.M/s.Mohan Singh & Co.,
Ellora Lodge,
M.G. Road, Opp. Subhash Park,
Agra-282 002,
Uttar Pradesh.
- 7.Hotel Ashok,
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Karnataka.
- 8.Bharat Hotels Limited,
Hotel Grand Intercontinental
Barakhamba Lane
New Delhi.
- 9.Hotel Bodhgaya Ashok
Caya District,
Bodhgaya – 824 231
Bihar.
- 10.Lotus Nikko Hotels Limited,
6 A/B, Gopala Towers,
No.25, Rajendra Place,
New Delhi-110 008.
- 11.Mamallapuram Hotels P. Ltd.,
G 107, Himalaya House,
23, KG Marg,
New Delhi-110 001.
- 12.G.R.Thanga Maligai Group of Companies,
104, Usman Road, T. Nagar,
Chennai-600 017.



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13. Madurai Hotels Pvt. Limited,
Room No.12, II Floor,
Block No.2, CGO Complex,
Lodhi Road, New Delhi-110 003.
14. Sanku Chaktra Hotels Pvt. Ltd.,
C/o. Sangam Hotels,
Collector Office Road,
Trichy-620 001.
15. Lazard India Limited,
62, Basant Lok
Vasanth Vihar
New Delhi-110 005.

.. Respondents

Prayer in W.P.No.24453 of 2001 : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration, declaring the action of the second respondent under the Scheme of arrangement of de-merger between the India Tourism Development Corpn. Ltd., and its Shell companies for the transfer of the Hotels i. Hotel Hassan Ashok, ii. Hotel Agra Ashok, iii. Hotel Ashok and iv. Hotel Bodhgaya Ashok to be illegal and ultra vires and to further hold that the decision of the second respondent to sell the hotels to the respondents 4, 6, 8 and 10 through the Shell companies to be illegal and arbitrary and further direct the respondents not to give effect to the arrangement of demerger purportedly under Section 391 of the Companies Act, on the approval of the first respondent.



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Prayer in W.P.No.24454 of 2001 : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration, declaring the action of the second respondent under the Scheme of arrangement of de-merger between the India Tourism Development Corpn. Ltd., and its Shell companies for the transfer of the Hotels i. Hotel Hassan Ashok, ii. Hotel Agra Ashok, iii. Hotel Ashok, iv. Hotel Bodhgaya Ashok, v. Mamallapuram Hotels P. Ltd. and vi. Madurai Hotels Pvt. Limited to be illegal and ultra vires and to further hold that the decision of the second respondent to sell the hotels to the respondents 4, 6, 8, 10, 12 and 14 through the Shell companies to be illegal and arbitrary and further direct the respondents not to give effect to the arrangement of demerger purportedly under Section 391 of the Companies Act, on the approval of the first respondent.

For the Petitioners	: Ms.Karthikeyani for Mr.T.Ramkumar
For the Respondents in W.P.No.24453/2001	: No Appearance for respondents 1, 5, 8, 10 and 11 Not Ready in Notice for respondents 2, 3, 4, 6, 7 and 9
For the Respondents in W.P.No.24454/2001	: No Appearance for respondents 1, 5, 8 and 15



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Not Ready in Notice for
respondents 2 to 4, 6, 7, 9,
11 to 13

: Mr.D.Kandvadivel
for respondent No.14

COMMON ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Ms.Karthikeyani, learned counsel for Mr.T.Ramkumar,
learned counsel for the petitioners and Mr.D.Kandavadivel, learned
counsel for respondent No.14 in W.P.No.24454 of 2001.

2. Learned counsel for respondent No.14 in W.P.No.24454 of
2001 submits that, in fact, the Apex Court, in the case of *All India
ITDC Workers' Union and others v. ITDC and others*, reported in
(2006) 10 SCC 66, has already decided the issue and the aspect of
disinvestment policy was considered therein. In view of the above,
the learned counsel submits that nothing survives for consideration
in these writ petitions.



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3. In the light of that, the writ petitions stand disposed of.

There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

03.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

1.The Secretary,
Union of India,
Dept. of Company Affairs,
Shastri Bhavan, New Delhi-110 001.

2.The Chairman and Managing Director,
India Tourism Development Corpn. Ltd.
Core 'B', SCOPE Complex,
7, Lodi Road,
New Delhi-110 003.



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THE HON'BLE CHIEF JUSTICE
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