



WEB COPY



W.P.No.9436 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9436 of 2013 and
M.P.No.1 of 2013

1. R.Dharmadev Prasad Mauriya
2. Shayam Sharma
3. Ashuthosh Kumar Mishra
4. R.Rakesh Kumar
5. U.Manoj Kumar Mauriya
6. H.Moolsanth Bora
7. S.S.Sundar Balaji
8. R.Dhanalakshmi

.. Petitioners

vs

1. R.Krishnan
2. Jemi Housing Limited
Rep. by its Managing Director
Having Head Office at
No.709 SBOA School East Gate Road
Anna Nagar West, Chennai – 600 040.
3. The Tamil Nadu Industrial Investment Corporation
Rep. by its Branch Manager
No.20/127A-5B First Floor
80 Feet Road, Opp. To Old RTO Office
Namakkal 637 001.
4. The Tamil Nadu Industrial Investment Corporation
Rep. by its Managing Director
Having its Head Office at “Arul Manai”
Whites Road, Royapettah
Chennai – 600 014.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 3 and 4 from in any manner bringing the property for auction sale or private treaty or otherwise sell or encumber the property situate at Kattanachampatty Village, Rasipuram Taluk, in Survey No.18/1 measuring about 4 acres and 34 cents by invoking the provisions of Section 29 and Section 30 of the State Financial Corporation Act of 1951 and take into account the interest of the petitioners acquired by them in the lands described below.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.B.Vel Murugan
for R1

Mr.A.T.Manivannan
for R2

Mr.K.Magesh
for R3 and R4

ORDER

The relief sought for in the present writ petition is to forbear the respondents 3 and 4 from in any manner bringing the property for auction sale or private treaty or otherwise sell or encumber the property situate at Kattanachampatty Village, Rasipuram Taluk, in Survey No.18/1 measuring about 4 acres and 34 cents by invoking the provisions of Section 29 and Section 30 of the State Financial Corporation Act of 1951 and take into account the interest of the petitioners acquired by them in the lands described below.



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2. The learned counsel for the petitioner furnished a copy of the case details of the Sub Court, Rasipuram and made a submission that the first respondent settled the dues to the third respondent and discharged the duties. If at all the duties had already been discharged, the question of considering the relief does not arise at all.

3. The learned counsel for the petitioner further states that he is an innocent purchaser of the property from the second respondent. That being the case, the petitioner, if aggrieved, has to sue the first and second respondents for appropriate relief before the Civil Authority concerned. However, the writ Court cannot grant the relief as such sought for in the present writ petition.

4. That apart, the relief as such sought for forbearing the respondents from presenting the property for auction sale cannot be granted by this Court in a writ proceedings, since these contractual obligations in dispute are to be adjudicated with reference to the documents and evidences on record. That being the factum, the petitioner is at liberty to approach the authorities or the competent forum, if any grievance exists.



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5. With the aforesaid liberty, the writ petition is disposed of.

There will be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Index : Yes/No

10.04.2023

Neutral Citation : Yes/No

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1. The Branch Manager
The Tamil Nadu Industrial Investment Corporation
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2. The Managing Director
The Tamil Nadu Industrial Investment Corporation
Having its Head Office at “Arul Manai”
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S.M. SUBRAMANIAM, J.

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