



W.P.No.24150 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24150 of 2018

And

W.M.P.No.28136 of 2018

M/s.Hidesign India (Pvt) Ltd.,
Represented by its Personnel Manager
R.Sathiyarayanan

... Petitioner

Vs.

1.Union of India,
U.T. of Puducherry,
rep. by the Secretary to Government,
Govt. of Puducherry,
Puducherry.

2.The Competent Authority under the
Puducherry Protection of Depositors in
Financial Establishments Act 2004 – cum –
the Deputy Collector (Revenue) North,
Office of the Deputy Collector (Revenue) North,
Puducherry.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue
a Writ of Certiorari calling for the records relating to the Letter bearing
No.4356/DC(R)N/Rent-A4/2012/411, dated 23.02.2018 and the Notice



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bearing No.87/DC(R)N/PGR Cell/2018/A/927, dated 22.03.2018 on the file of the second respondent and quash the same in respect of its leasehold premises bearing Door No.85, Jawaharlal Nehru Street, Puducherry.

For Petitioner : Mr.T.P.Manoharan
Senior Counsel
for M/s.T.M.Naveen

For Respondents : Mr.J.Kumaran
Additional Government Pleader (Pondicherry)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the Letter bearing No.4356/DC(R)N/Rent-A4/2012/411, dated 23.02.2018 and the Notice bearing No.87/DC(R)N/PGR Cell/2018/A/927, dated 22.03.2018 on the file of the second respondent and to quash the same in respect of its leasehold premises bearing Door No.85, Jawaharlal Nehru Street, Puducherry.

2.The case of the petitioner is that the petitioner is a Company incorporated under the Companies Act, 1956 and is manufacturing



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leather products and selling the same through its shops and outlets.

One V.Kannan and V.Baskaran are the owners of the building where the petitioner has established its shops in Puducherry. Since the petitioner's landlords did not receive rent from March, 2005, the petitioner filed H.R.C.O.P.No.42 of 2005 before the Court of the Rent Controller at Puducherry under Section 8(5) of the Puducherry Buildings (Lease and Rent Control) Act, 1969 praying to deposit the monthly rent for the premises in Court and by order dated 30.11.2005, the Court of the Rent Controller at Puducherry has allowed the said H.R.C.O.P.

3.The further case of the petitioner is that the petitioner's landlords were share-holders of M/s.PNL Nidhi Limited and also Directors of M/s.New Horizon Sugar Mills Limited. One of the depositors in M/s.PNL Nidhi Limited had given a complaint that the said V.Kannan and V.Baskaran had misappropriated a sum of Rs.12.5 Crores belonging to M/s.PNL Nidhi Limited and on the basis of the said complaint, the Designated Court namely, the Chief Judicial Magistrate, Pondicherry, has ordered attachment of various properties standing in their names and in the name of one Sivapriyal. Thereafter, the



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Government of Puducherry issued G.O.Ms.No.12, dated 18.02.2006 attaching the properties acquired by M/s.PNL Nidhi Limited, pursuant to which the impugned order was passed. Hence, this writ petition.

4.The learned Senior Counsel appearing for the petitioner submitted that the second respondent in their counter has stated that if at all the petitioner is aggrieved by the order passed by the respondent, the petitioner ought to have approached the Rent Controller or the Special Court under PPIDFE Act for appropriate relief. Hence this Court may permit the petitioner to deposit a sum of Rs.75,000/- as rent per month from 22.03.2018 to till date and on such deposit being made, liberty may be granted to the petitioner to move appropriate petition either before the Rent Controller or the Special Court under PPIDFE Act for appropriate relief.

5.Considering the fair submission made by the learned Senior Counsel appearing for the petitioner, this Court issues the following directions:

(i)The petitioner without prejudice his rights before Rent Control Court, is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) as rent per month from 22.03.2018 onwards and



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pay rent as indicated above before the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

(ii)Liberty is granted to the petitioner to move appropriate petition either before the Rent Controller or before the Special Court under PPIDFE Act for appropriate relief, within a further period of four weeks.

(iii)If any such petition is filed before the Rent Controller or before the Special Court under PPIDFE Act, the concerned Authority shall consider the same and pass appropriate orders, as expeditiously as possible.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

20.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.
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To

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