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W.P. No. 24560 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 24560 of 2022

and

W.M.P. No. 23528 of 2022

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... Petitioner

-VS-

1. The General Manager, (Administration),
Pondicherry Industrial Promotion Development and
Investment Corporation (PIPDIC) Limited,
No. 60, Roman Rolland Street,
Puducherry – 605001.

2. N.Karthikeyan

3. VKS Bio Briquettes
R.S. No. 135/3A, Abishegapakkam Main Road,
Keezhagraharam,
Puducherry – 605110.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records on the file of the First Respondent in No. PIPDIC/FP/SSI/41/212/T-III/24/6872 dated 21.07.2022 and quash the same.



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For Petitioner : Ms. K.Abirami

For Respondent : Mr. P.Dinesh Kumar (for R1)

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ORDER

Heard Ms. K.Abirami, Learned Counsel for the Petitioner and Mr. P.Dinesh Kumar, Learned Counsel for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Third Respondent, viz., M/s. V.K.S. Bio Briquettes – (03D83), is a partnership firm in which the Second Respondent is one of its partners. The Petitioner is the sister of the Second Respondent. The mother of the Petitioner and the Second Respondent, viz., Baby Ammal, had created equitable mortgage on 21.03.2011 of her property situated at R.S. No. 135/3A, Abishegapakkam Main Road, Keezhagraharam, Puducherry - 605110 and had deposited the title deed of that property with the Respondents as security for the borrowings made by the Third Respondent from the First Respondent. The said Baby Ammal died on 22.03.2019 and as there was default in the repayment of the loans due by the Third Respondent, the First Respondent by notice dated 21.07.2022 to the Third Respondent and its partners including the Second Respondent and the said Baby Ammal informed that the mortgaged



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property would be taken possession on 13.09.2022 for recovery of the dues under Section 29 of the State Financial Corporation Act, 1951. The Petitioner has on 08.09.2022 filed this Writ Petition assailing that action taken by the First Respondent contending that the aforesaid notice sent to the said Baby Ammal, who is a dead person, is not valid in law and that the Petitioner, who has succeeded to her estate and entitled to half share in that mortgaged property has not been given in notice of the impugned proceedings.

3. This Court, at the time of admission on 12.09.2022, had granted interim order of stay of the impugned proceedings on condition that a sum of Rs. 8,00,000/- would have to be paid in two installments. It is informed that the said condition has been complied, but the parties have not been able to arrive at any amicable settlement despite opportunities granted during the subsequent hearings on 05.06.2023, 12.06.2023, 19.06.2023, 04.07.2023 and 05.10.2023 by this Court.

4. Inasmuch as the only lacuna raised by the Petitioner is that she had not been served with notice in the impugned proceedings, Learned Counsel appearing for the First Respondent has produced a copy of another notice in No. PIPDIC/FP/SSI/41/212/T-III/24/3360 dated 02.11.2023 in supercession of



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the earlier notice No. PIPDIC/ FP/ SSI/ 41/ 212/ T-III/ 24/ 6872 dated

21.07.2022 informing the concerned parties including the Petitioner, the Second and Third Respondents that the possession of the mortgaged property would be taken on 30.11.2023 under Section 29 of the State Financial Corporation Act, 1951. Learned Counsel for the Petitioner has acknowledged receipt of its copy in Court today.

5. In view of the subsequent events, nothing remains for further consideration in the Writ Petition. It is needless to add here that in respect of the sum of Rs. 8,00,000/- remitted by the Petitioner as condition for grant of interim order, it is left open to the parties to work out their rights in accordance with law in that regard.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.11.2023

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NCS : Yes/No

Index: Yes/No

Note: Issue order copy by 29.01.2024.



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To

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No. 60, Roman Rolland Street,
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P.D. AUDIKESAVALU, J.

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