



**W.M.P.No.32447 of 2019**

**in**

**W.P.No.8621 of 2014**

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**S.M.SUBRAMANIAM, J.**

The Miscellaneous Petition is filed to modify the order by granting permission to the petitioner herein / 3<sup>rd</sup> respondent in the writ petition to effect sale of its immovable properties through private negotiation.

2. The writ petition was instituted challenging the notification bearing GSR No.555 (E) dated 26.07.2011 issued by the Government of India represented by the Secretary, Company Affairs. The writ petition was dismissed by this court as the prayer itself has become infructuous. While dismissing the writ petition, this Court issued a direction as under:

*“6. Taking into consideration the fact that the prayer in the writ petition has become infructuous in view of the new enactment of law, this writ petition is dismissed. However, the prayer of the petitioner seeking to safeguard the interest of the shareholders as on date is also objection. Since the third respondent would also submit that only to get the best price they are planning to sell the property, this Court can only*



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*direct the third respondent to the effect that if at all, they want to sell the property of the third respondent-Purasawalkam Permanent Fund Ltd., as per the permission of the General Body, they are directed to do so after giving wide publication in leading newspapers both in English and Tamil and it is further directed that the property has to be sold only under public auction and not under any private negotiation.*

*7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”*

3. The learned counsel for the petitioner herein made a submission that pursuant to the directions issued by this Court repeated steps were taken by the petitioner to sell the subject property through auction sale. Four times publications were made efforts, were taken, but the efforts of the petitioner went in vain and they are unable to complete the same on account of various reasons. Thus, the petitioner is constrained to move the present miscellaneous petition to modify the order.



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4. The writ petition was disposed on 02.09.2014 and the petitioner thereafter taken efforts to sell the property through open auction. Since the efforts of the petitioner ended up futile, this Court is inclined to consider the present miscellaneous petition.

5. The learned counsel for the respondents is unable to secure instructions from the respondents. Accordingly, the order of direction issued by this Court on 02.09.2014 passed in W.P.No.8621 of 2014 has been modified and the petitioner is permitted to sell the subject property through private negotiation as prayed for.

6. Thus, the writ miscellaneous petition stands allowed. No costs

**16.03.2023**

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