



W.P(MD)No.13813 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13813 of 2014

V.Poula Rubi@ Jaculin

...Petitioner

Vs.

1.The Managing Director,
M/s.Tamil Nadu Industrial Investment,
Corporation Limited,
No.692, Annasalai,
Nandanam,
Chennai – 600 035.

2.Tamil Nadu Industrial
Investment Corporation Limited,
Salem Branch,
Represented by Branch Manager,
M/s.TIIC Ltd,
4/35 N.P.S Complex,
Polpettai, Tuticorin.

3.The Regional Manager,
M/s. Tamil Nadu Industrial
Investment Corporation Limited,
Vannarpet,
S.Building,
Tirunelveli.



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4.S.Murugesan

...Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to receive a sum of Rs.85,300/- being the proportionate amount for 25.26 cents of scheduled property in revenue survey number 499/1 of Meelavittan Village, Tuticorin Melur Sub Registrar office, Tuticorin Taluk and order to issue No Objection Certificate in respect of the above mentioned scheduled property.

For Petitioner	: Mr.S.Herold Singh
For R1 to R3	: Mr.R.Saravanan
For R4	: No appearance

ORDER

The petitioner said to have purchased 25.26 cents of lands in Survey No.499/1, Meelavittan Village, Tuticorin from the fourth respondent herein. The total extent of the above property in Survey No.499/1 is 2 Acres and 1 $\frac{3}{4}$ cents and it was mortgaged by the fourth respondent with the Tamil Nadu Industrial Corporation in the year 1995 for a sum of Rs.11,00,000/-. Without knowing the



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same, the petitioner has purchased a portion of the above property from the fourth respondent and after knowing that the property has been mortgaged by the fourth respondent, the petitioner has come forward with a proposal that he would clear the mortgage amount with regard to the portion of the property, which he has purchased and the same has been rejected by the respondents 1 to 3. Hence, this petition.

2.The learned counsel appearing for the respondents 1 to 3 submits that this part proposal is not feasible for consideration as the fourth respondent has borrowed a sum of Rs.11,00,000/- and mortgaged the entire property in Survey No. 499/1. Therefore, it cannot be segregated for the portion of property, which the petitioner has purchased. The learned counsel further submits that there is no provision for such part recovery under their procedure.

3.Recording the submission made by the learned counsel appearing for the respondents 1 to 3, this writ petition is dismissed



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with a liberty to the petitioner to work out his remedy with the fourth respondent. No costs.

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
vrn

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B.PUGALENDHI, J.

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Order made in
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