



W.P. (MD) No. 23891 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 23891 of 2022

Dhanapal

... Petitioner

Vs.

1.The Manager,
Tamil Nadu Industrial Investment Corporation,
KRT Building, II Floor,
No.33, Promenade Road,
Cantonment, Trichy – 620 001.

2.P.Ganapathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to de-seal the petitioner's Rice Mill namely Sri Venkatesa Rice Mill comprised in Survey No.344/1A situated at Sirumayankudi West, Lalgudi Taluk, Trichy District and remove the machineries erected by the 2nd respondent by considering the petitioner's representation dated 26.09.2022.

For Petitioner

: Mr. T.Lenin Kumar



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For Respondents : Mr. R.Saravanan (for R1)
Mr. J.Anandkumar (for R2)

ORDER

Heard Mr. T.Lenin Kumar, Learned Counsel for the Petitioner, Mr. R.Saravanan, Learned Counsel for the First Respondent and Mr. J.Anandkumar, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Second Respondent is running M/s. Sri Vengatesa Rice Mill as lessee in the property comprised in Old Survey No. 344/1A, New Survey No. 76/1 A, Sirumayankudi West, Lalgudi Taluk, Trichy District, belonging to the Petitioner. The First Respondent had extended credit facilities to the Second Respondent for which certain machineries in the said Rice Mill have been hypothecated as security to the First Respondent. As there has been defaulted in the repayment of the dues payable by the Second Respondent to the First Respondent, the premises of the said Rice Mill has been sealed by the First Respondent. According to the Petitioner, the lease period has come



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to an end on 16.12.2022 and without removing the machineries, which have been hypothecated to the First Respondent, it would not be possible for the Petitioner to re-possess the premises that has been leased to the Second Respondent. As the representation dated 26.09.2022 made by the Petitioner to the First Respondent in that regard did not evoke any response, the Petitioner has filed this Writ Petition for directing the First Respondent to de-seal the premises of the Rice Mill of the Petitioner and to remove the machineries erected by the Second Respondent.

3. Mr. R.Govindaraj, Branch Manager, Tamil Nadu Industrial Investment Corporation, Trichy, who is the First Respondent, is present in Court today and submits that the First Respondent was not able to remove the machineries earlier on account of certain litigation relating to the property between the Petitioner and the Second Respondent, and that necessary arrangements have been made for removal of the hypothecated machineries as mentioned in the agreement between the parties on or before 28.02.2023 and he has made an endorsement to that effect in the court record.

4. It is represented by Learned Counsel for the Second Respondent that only some of the machineries in the Rice Mill in the premises have been



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hypothecated by the Second Respondent to the First Respondent and there are other machineries and movable properties belonging to the Second Respondent in respect of which the First Respondent cannot have any claim.

5. Having due regard to the submissions made by the respective parties, it shall be incumbent upon the First Respondent to remove the hypothecated machineries as per the particulars mentioned in the agreement between the Second Respondent and the First Respondent on or before 28.02.2023 after giving due notice to the Petitioner and the Second Respondent at the address given in the Writ Petition and a report of the compliance shall be filed before the Registrar (Judicial) of this Court.

6. It is made clear that the present order shall not be construed as entitling the Petitioner to take possession of the leased property from the Second Respondent, but he is not precluded from working out his remedies for the same before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.



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NCC : Yes/No

Index : Yes/No

Note : (ii) Issue order copy by 23.06.2023.

(ii) If the report of compliance has not been filed, the matter shall be listed before the Court and the Petitioner and the First and Second Respondents shall appear in person before the Court on 30.06.2023 to explain the reason for the same.



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P.D.AUDIKESAVALU,J.

Sm

Copy to

1. R.Dhanabal
S/o.Rengaraj
No.1/37A, Main Road
Sirumayankudi West
Kattur, Lalgudi Taluk
Trichy District.
2. The Manager,
Tamil Nadu Industrial Investment Corporation,
KRT Building, II Floor,
No.33, Promenade Road,
Cantonment, Trichy – 620 001.
3. P.Ganapathy
S/o. Periyasamy
No.3/5, Pettai Street
Mannarchanallur Taluk
Trichy District.

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Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai – 625023.

25.01.2023