



W.P.No.1640 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1640 of 2024

M.Adhimoolam

... Petitioner

Vs.

- 1.The Chief Secretary,
Chief Secretariat, Puducherry.
- 2.The Managing Director,
Pondicherry Industrial Promotion Development
and Investment Corporation Ltd., (PIPDIC).
Puducherry.
- 3.Mr.Vedagiri
- 4.Dr.V.Adimoulame
- 5.Mr.S.Nadanarajan
- 6.Mr.D.Panneerselvam
- 7.Mr.Dilakraj Lenion
- 8.Mr.Lakshmi Narayan
- 9.Dr.V.Suresh Nathan



W.P.No.1640 of 2024

10.Mr.S.Dinakaran

11.Mr.Marimuthu Rivera

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representation of the petitioner dated 15.07.2022 in accordance with law and to conduct a detailed enquiry, take necessary action against 3 to 11 respondents herein for their dishonesty in service.

For Petitioner : Mr.S.Sankaran

For Respondents : Mr.R.Sridhar, AGP (Pondy) for RR1 &

2

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the 2nd respondent to consider the representation of the petitioner dated 15.07.2022 in accordance with law and to conduct a detailed enquiry, take necessary action against 3 to 11 respondents herein for their dishonesty in service.

2. Heard Mr.S.Sankaran, learned counsel for the petitioner and Mr.R.Sridhar, learned Additional Government Pleader (Pondy) for the respondents 1 and 2.



W.P.No.1640 of 2024

WEB COPY

3. According to the petitioner, the Industry by name M/s.Jayasakthi Leathers (P) Ltd., was originally owned by one Mr.Gopalan and his wife Mrs.Vasantha Leela and the same was situated at Plot Nos.19 to 24 & Plot Nos.15 to 18 at Karumbapet Village, Puducherry. The main building and plants were situated at Plot Nos.19 to 23 and the other buildings were situated at Plot No.24. Plot No.15 to 18 were utilised as dump-yard to throw the wastages of the factory. The owner of the Industry had availed a loan from the second respondent by hypothecating Plot No.24 alone and there was no loan in respect of Plot Nos.15 to 18.

4. Since the borrowers were not able to pay the loan, the petitioner and his wife purchased the sick industry in Plot Nos.15 to 24 and from the sale consideration, subsisting outstanding of the loan availed by the erstwhile owners were also adjusted. The petitioner has constructed the buildings in Plot Nos.15 to 18. However, the petitioner was also not able to manage the business and was given with an offer for one time settlement on 10.05.2012. The second respondent had taken over the



W.P.No.1640 of 2024

properties in Plot Nos.19 to 24 through auction purchase, wherein, it is mentioned that the Industry is situated in Plot Nos.19 to 24 and Plot Nos.15 to 18.

5. Despite auction notice was issued for the sale of 6000 Sq.ft in Plot Nos.19 to 24, Plot No.24 alone was claimed by one third party by obtaining a decree from the Court and issued legal notice to the second respondent. The second respondent has not taken any action against the original owner of Plot No.24 for having caused illegal sale. So the second respondent has fraudulently sold the Industry without including Plot No.24 by conducting an urgent sale. Had the Plot No.24 also included in the auction sale, the subsequent sale in respect of Plot No.24 alone could not have been made. Hence the petitioner lodged a complaint against the respondents 3 to 11 for initiating criminal action against their active cooperation with some private parties in committing the fraud of retaining the potential plot for their undue monetary advantage. Section 156(3) complaint given before the Chief Judicial Magistrate, Puducherry in CrI.M.P.No.3821 of 2020 was dismissed on 11.12.2020. The petitioner



W.P.No.1640 of 2024

challenged the same by filing Crl.R.C.No.62 of 2021 and the same was allowed by directing the CBCID to conduct an enquiry in accordance with law.

6. Thereafter, the CBCID conducted a formal enquiry and gave a report and in which it is stated that the matter does not warrant any action by CBCID and the petitioner was advised to seek remedy through the Head of the second respondent Department or appropriate Court of law. Therefore, the petitioner sent a detailed representation to the second respondent seeking proper enquiry and action against the respondents 3 to 11. So far, no action has been taken. Hence, the petitioner sent a representation to the first respondent on 01.09.2023 and on several subsequent dates. Since the same was not considered and no action has been taken, the petitioner has filed this Writ Petition with the above prayer.

7. The petitioner is said to have been affected by the auction sale conducted by the second respondent in respect of the properties over



W.P.No.1640 of 2024

which the petitioner was running his factory. The petitioner had not challenged the auction sale conducted pursuant to the auction notice given in the year 2013. The sale deeds came to be executed in the year 2014 itself. Without challenging the above auction sale, the petitioner has filed this Writ Petition seeking Writ of Mandamus. For the auction that had taken place in the year 2013, the Writ Petition has been filed merely after a period of ten years, that too, without challenging the auction sale. Since the petitioner's claim is affected by delay and laches and this Writ Petition has been filed in a short circuit manner without challenging the auction sale within the prescribed time limit, this Writ Petition itself is not maintainable and hence is liable to be dismissed.

8. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

29.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk



W.P.No.1640 of 2024

WEB COPY

To

- 1.The Chief Secretary,
Chief Secretariat, Puducherry.
- 2.The Managing Director,
Pondicherry Industrial Promotion Development
and Investment Corporation Ltd., (PIPDIC).
Puducherry.



WEB COPY



W.P.No.1640 of 2024

R.N.MANJULA, J.

gsk

W.P.No.1640 of 2024

29.01.2024