



W.P.No.9563 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9563 of 2006
and W.P.M.P.No.10612 of 2006

T.Madhialagan

.. Petitioner

Versus

1. The District Collector,
Coimbatore Collectorate,
Coimbatore.
2. ICICI Bank Ltd.,
Coimbatore Main Branch,
No.23-A, Mill Road,
Coimbatore - 641 001.
3. Mico Farm Chemicals Ltd.,
A unit of SIV Industries Ltd.,
Rep. by its Managing Director,
Viscose Towers,
No.1078, Avinashi Road,
Coimbatore - 641 018.
4. The Presiding Officer,
Labour Court,
Salem.
5. The Official Liquidator,
High Court Madras, UTI Building,
Rajaji Salai, Chennai - 600 001.



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(R5 - Suo Motu impleaded vide order,
dated 20.09.2021 made in W.P.No.9563 of 2006) .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 1st respondent to recover a sum of Rs.5,53,820/- with interest at 9% per annum from the 3rd respondent company as arrears of land revenue as per G.O.(D).No.966, dated 13.07.2005 issued by Labour and Employment Department (D1) Department within a time frame as fixed by this Court.

For Petitioner : Mr.V.Govardhanan

For Respondents : Mr.K.Surendran,
Additional Government Pleader,
for R1

: No Appearance for R2

: M/s.B.Ambili,
Official liquidator, R5

ORDER

This Writ Petition is filed in the nature of a Mandamus directing the first respondent to recover a sum of Rs.5,53,820/- along with interest at the rate of 9% per annum from the third respondent Company as arrears of land revenue as per G.O.(D).No.966, dated 13.07.2005.



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2. When the matter came up for hearing, the learned Official Liquidator had filed a report, dated 25.11.2024. According to the said report, the third respondent Company has already been liquidated and no assets were found in the third respondent Company. The particulars with reference to the liquidation of other Company namely, SIV Industries Ltd., which is a group Company, is also given.

3. Be that as it may, when the third respondent Company is said to have already been liquidated and there are no other assets of the said Company and nothing remains to be paid out to these workmen, the prayer as such cannot be now granted.

4. At this stage, *Mr.V.Govardhanan*, learned Counsel for the petitioner submits that there are some assets of the Company which were wrongfully sold, against which, the liquidator could have taken action. If that be the case, if any assets of the Company have been left out or wrongfully sold, it is for the petitioner to approach the appropriate Company Court or the appellate forum in the company proceedings by way of an



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appropriate petition and this Court cannot go into the question as to whether any further assets are available with the Company or not.

5. Therefore, liberty is given to the petitioner either to file such application before the appropriate forum or to trace out the erstwhile promoters and their assets and to proceed against them. It is made clear that there can be no two opinion about the sum being due to the poor workman. His amount has to be realised. Already, this Court has held that even if the Company is liquidated and no assets are available, the workman can also proceed against the original promoters of the Company. That liberty is also available to the workman.

6. Keeping those options open, accepting the report of the Official Liquidator, this Writ Petition stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2024

Neutral Citation : no
grs



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To
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1. The District Collector,
Coimbatore Collectorate,
Coimbatore.
2. The Presiding Officer,
Labour Court,
Salem.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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