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W.P.No.12776 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.12776 of 2019
and W.M.P.No.12990 of 2019**

E.Shanmugam

... Petitioner

Vs.

1. The Union of India,
Ministry of Corporate Affairs,
Office of the Registrar of Companies,
Tamil Nadu Chennai,
Shastir Bhavan, II Floor,
26, Haddows Road,
Chennai-600 006.
- 2.Union of India,
Ministry of Corporate Affairs,
Rep.by its Secretary,
Office of the Director General Corporate Affairs,
KOTA House, Annexe-1,
Shajahan Road,
New Delhi-110 001.



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- 3.Union of India,
Ministry of Finance,
Rep.by its Secretary,
Department of Financial Services,
III Floor, Jeevan Deep Building,
Sansad Marg,
New Delhi-110 001.
- 4.Reserve Bank of India,
16, Rajaji Salai,
Fort Glacis,
Chennai-600 001.
- 5.Indian Overseas Bank,
Rep.by its Assistant General Manager,
Commercial and Institutional Credit Branch,
“Auras Corporate Centre”,
No.98A, Dr.Radhakrishnan Road,
Mylapore,
Chennai-600 004.
- 6.Bank of India,
Rep.by its Assistant General Manager,
Assets Recovery Branch,
No.17, 4th Floor,
Errabalu Street,
Chennai-600 001.
- 7.M/s.Padmaadevi Sugars Limited,
Palayaseevaram Village,
Kancheepuram District.
Also at C/o.Mr.C.Ramasubramaniam,
Liquidator,
in the matter of Padmaadevi Sugars Limtied,



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Raji 381, 3rd Floor,
Gaiety Palance, No.1L, Blackers Road,
Mount Road, Chennai-600 002.

8.Dinesh S.Patel

9.Hitesh S.Patel

... Respondents

*(*R7 cause title was amended vide order dated 23.11.2022 made in W.M.P.No.30522 of 2022 in W.P.No.12776 of 2019*)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to initiate necessary investigation and criminal action in respect of the illegal removal of Plant and Machinery from the factory premises of the 7th respondent at Palayaseevaram Village, Kanchipuram District by the respondent Nos.8 and 9 from the custody of the respondent Nos.5 and 6.

For Petitioner : Mr.Sathish Parasuran
for M/s.Bharadwaj Ramasubramaniam

For Respondents : Mr.J.Madanagopal Rao
CGSC for R1 to R3
No appearance for RR4 to 7



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Mr.Athibanvijay
for M/s.Gowtham Kumar
for R8 and R9

ORDER

This Writ Petition has been filed to direct the respondents 1 to 4 to initiate necessary investigation and criminal action in respect of the illegal removal of Plant and Machinery from the factory premises of the 7th respondent at Palayaseevaram Village, Kanchipuram District by the respondent Nos.8 and 9 from the custody of the respondent Nos.5 and 6.

2. The learned counsel appearing for the petitioner submits that the respondent No.7 has borrowed a sum of Rs.400 Crores from the respondent Nos.5 and 6 Bank, for which, the petitioner stood as Guarantor. For non-payment of amount, the respondent Nos.5 and 6 had initiated legal action before the Debt Recovery Tribunal, Chennai, against the petitioner, respondent No.7 to 9, and had taken possession of the Factory premises of the respondent No.7 including its Plant and Machinery. Taking advantage of



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the same, the respondent Nos.8 and 9 along with the respondent No.7 started to remove the valuable plant and machinery from the Factory. When it came to know, the petitioner informed the same with the respondent Nos.5 and 6, however, no action was taken. Hence, the petitioner made a complaint before the second respondent to take action on 19.11.2018, but, no action has been taken. Therefore, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice if this Court directs the second respondent to consider the complaint dated 19.03.2019 made by the petitioner and pass appropriate orders.

4. The learned counsel appearing for the private respondents submits that this Court may permit the private respondents to file an objection before the second respondent to the complaint made by the petitioner and adjudicate the same.



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5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the second respondent to consider the complaint of the petitioner dated 19.11.2018 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after providing opportunity to the petitioner and the private respondents and considering the objections, if any, filed by the private respondents. The private respondents are at liberty to file their objections if any to the complaint made by the petitioner.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

02.09.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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