



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 1050 of 2024

AND

CMP NO. 7562 OF 2024

1. C.R.Vasanthi

W/o.Late C.K. Rajaram, R-39, 16th St,
Annanagar, Chennai - 040.

2.C.R. Devanand

S/o. Late C. K. Rajaram, R-39, 16th
Street, Annanagar, Chennai - 600040

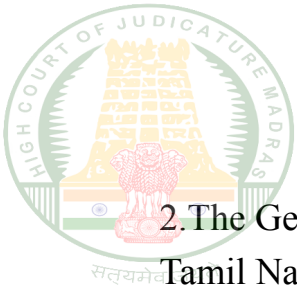
3.C.R. Varalakshmi

W/o. G. Rajkumar, R-39, 16th Street,
Annanagar, Chennai - 600040(LRs of
Late C.K. Rajaram)

Appellant(s)

Vs

1. Tamilnadu Small Industries
Development Corporation Limited
(TANSIDCO), Rep. by Chairman cum
Managing Director, Thiru Vi Ka
Industrial Estate, Guindy, Chennai -



2.The General Manager (Admin)

Tamil Nadu Small Industries

Development Corporation

(TANSIDCO) Thiru.Vi.Ka.Industrial

Estate, Guindy, Chennai - 600032

3.The Branch Manager

Tamil Nadu Small Industries

Development Corporation

(TANSIDCO) SIDCO Industrial Estate,

Jaganathapuram Colony, Erode -

chennimalai Road, Erode- 638001

Respondent(s)

WA No. 1050 of 2024

PRAYER

To set aside the order dated 20.09.2023 passed in WP No.16654 of 2018 and pass such or further other order or orders as this Hon'ble Court.

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For Appellant(s): Mr.E.OM Prakash, Senior
Counsel For Mrs.R.Varalakshmi
and Mr.Mani

For Respondent(s): No Appearance



ORDER

WEB COPY (Order of the Court was made by S.M.Subramaniam J.)

The Intra Court Appeal has been instituted to assail the order dated 20.09.2023 passed in W.P.No.16654 of 2018.

2. The writ petitioners are the appellants before this Court. The writ proceeding was instituted challenging the reply given by Tamil Nadu Small Industries Development Corporation Limited dated 14.07.2017. The said impugned order in the writ proceedings reads as under:

“We wish to inform that your request made in the reference 1st and 2nd cited requesting sale deed in your favour was considered and it is informed that as per the order of Additional District Munsif, Erode in A.S.No.15/2015 your request for sale deed for the shed No.B-1, Industrial Estate, Erode in your favour can't be considered.”

3. The impugned reply reveals that the appellants made an application for



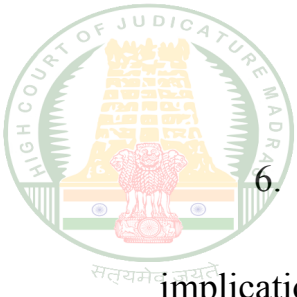
execution of sale deed in their favour. However, the Tamil Nadu Small

Industries Development Corporation Limited declined to consider the request in

view of the judgment and decree passed in A.S.No.15 of 2015.

4. The learned counsel for the appellants would mainly contend that based on the allotment condition dated 19.08.1989, the appellants have paid the full cost of the land. Therefore, the respondents are bound to execute the sale deed as per Clause 11 of the allotment order. The appellants dispute relating to partnership is not a bar for executing the sale deed. Therefore, the reply is to be quashed.

5. Curiously, the appellants, who are the plaintiffs, had instituted a civil suit in O.S.No.1283 of 2004 for rendition of accounts. Since the appellants were unsuccessful in civil suit, they preferred an appeal suit in A.S.No.15 of 2015 before the Principle Subordinate Court at Erode. The appeal suit was allowed partly.

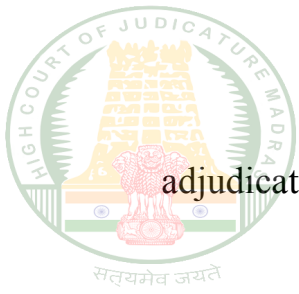


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6. Under these circumstances, the Writ Court cannot adjudicate the implications of the Civil Court judgment. Therefore, the learned Single Judge granted liberty to the appellants to file a review application before the Principle Subordinate Court, Erode to review the judgment dated 07.09.2015 in A.S.No.15 of 2015.

7. It is needless to state that alleged existence of a partnership dispute is to be resolved in the manner known to law. When the Tamil Nadu Small Industries Development Corporation Limited clarified that appeal suit is standing in the way for executing the sale deed in favour of the appellants, it is for the appellants, as rightly pointed out by the Writ Court to approach the concerned Court to get it clarified by reviewing the order or to move an application for passing a final decree in the appeal suit.

8. Although the suit is for rendition of accounts, and there is no mention of a preliminary decree, after the accounts are settled, the rights of the parties to their respective shares are to be determined by the Court by way of



adjudication.

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9. Pertinently, none of the parties to the civil suit or appeal suit have been impleaded as party respondents in the writ proceedings or in the present writ appeal. In the absence of those parties, the Writ Court cannot form an opinion regarding the rights of the parties in a partnership firm.

10. Thus, the writ petition itself was instituted without impleading all parties, who were involved in the civil and appeal suit proceedings. This Court do not find any infirmity and it is for the appellants to move the Civil Court for appropriate relief in the manner known to law. Consequently, the Writ Appeal stands dismissed. Connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

17-02-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

<https://www.mhctxn.gov.in/judis> Neutral Citation: Yes/No



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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