

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

CORAM:

THE HON'BLE Ms.JUSTICE K.B.K.VASUKI

Contempt Petition No.883 of 2015

R.Pandian

... Petitioner

Vs.

1.Mr.Rudra Sekar

The Deputy Superintendent of Police,
Economic Offence Wing - II,
Anna Nagar, Chennai - 600 040.

2.Alagumeena

The District Revenue Officer,
(Competent Authority) (i.e.),
Collectorate Office,
Chennai.

... Respondents

Prayer :

Contempt petition filed under Section 11 of Contempt of Courts Act, 1971 praying to punish the respondents for committing contempt of courts of order of this Hon'ble Court dated 18.07.2014 in CrI.O.P.No.15819 of 2014.

For Petitioner : Mr.R.Subburaj

For Respondents: Mr.P.H.Aravind Pandian
Additional Advocate General
Mr.M.Mohammed Riyaz
Government Advocate (Crl.Side)

ORDER

This contempt petition is filed by one of the depositors alleging that the respondent officials have not complied with the direction of this Court which is in turn to do necessary acts to comply with the direction issued on 10.01.2014 by the Special Court.

2.As per the order dated 10.01.2014, the learned Special Judge under TNPID Act made absolute the interim attachment made in respect of the petition mentioned movables and immovables vide G.O.Ms.No.530 Home (Police XIX) Department, dated 13.07.2012. The competent authority - District Revenue Officer who is the petitioner before the TNPID Court is also permitted to sell the petition mentioned properties by public auction and to disburse the sale amount to the depositors.

3.In pursuance of the order of this Court, necessary steps are taken by the second respondent competent

authority for bringing the vast extent of properties situated in three different places namely, Thiruvallur, Tuticorin and Thirunelveli. The particulars of the properties are given at page 2 of the counter affidavit filed by the second respondent herein. The second respondent - competent authority in paragraph 20 at page 10 of the counter furnished the particulars of the amount available for disbursement in the account of the competent authority - District Revenue Officer to the tune of Rs.1,31,42,870/-.

4. In the counter as well as in the status report filed before this Court, the competent authority has explained in detail the reasons for the failure to bring all the properties for sale within reasonable time. The explanation given for the inability to bring the properties for sale are as follows:

1. Some of the properties are not standing in the name of the accused, but standing in the name of the original owners and the accused are armed with only Power of Attorney.

2. The guideline value of the property is higher than the

market value, as such, up set price fixed is equivalent to guideline value and in an higher side as such, the sale do not attract sufficient number of bidders.

5. In my considered view, these are all the matters to be considered after holding appropriate enquiry and such enquiry cannot be held in this contempt petition. In view of the above said situation, this Court is of the view that the respondent may be directed to approach the TNPID Court for appropriate direction for fixation of up set price and subject to the direction issued by the Special Judge, TNPID Court, further sale proceedings may be proceeded with. The TNPID Court is directed to pass appropriate order for disbursing the amount already lying in the account of competent authority among the depositors proportionately.

6. In the result, the contempt petition is closed with direction issued to the second respondent/ competent authority to approach the Special Court under TNPID Act for appropriate direction for bringing all other properties for sale having regard to the difficulties explained in the counter affidavit and status report filed by the second respondent herein and subject to the directions of the

TNPID Court, the properties may be brought for sale and the amount already lying and sale proceeds as and when received in the account of the competent authority, is directed to be disbursed among the depositors proportionately and the same shall be completed as expeditiously as possible.

Pri

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/23/12/2015

One CC to Government Pleader, (CS) SR.11736

To

1. The Judge,
Special Court,
TNPID, Chennai.
2. The Deputy Superintendent of Police,
Economic Offence Wing - II,
Anna Nagar, Chennai - 600 040.
3. The District Revenue Officer,
(Competent Authority) (i.e.), Collectorate Office,
Chennai.
4. The Public Prosecutor,
High Court, Madras 104