

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P. VELMURUGAN

Crl.O.P.No.24298 of 2015

S.Muniasamy

... Petitioner

-vs-

1. Union of India
Represented by Inspector of Police
Central Bureau of Investigation
CBI Zonal Office
EVK Sampath Building
College Road,
Chennai - 600 006.

2. The Joint Director and Head Zone,
Central Bureau of Investigation
CBI Zonal Office
EVK Sampath Building
College Road,
Chennai - 600 006.

... Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking direction to the first respondent to register the complaint dated 22.07.2015 and enquire the matter and file a final report.

Petitioner : Mr.S.Muniasamy
(party - in - person)
No appearance

For Respondents : Mr.K.Srinivasan
Special Public Prosecutor
for CBI

O R D E R

This Criminal Original Petition is filed seeking direction to the first respondent to register the complaint dated 22.07.2015 and enquire the matter and file a final report.

2. When the matter came up on 20.09.2016, on the request of the petitioner/party-in-person, the matter was adjourned to 21.11.2016. On 21.11.2016 also, at the request of the petitioner/ party-in-person, the matter was adjourned to today. Today, there is no representation for the petitioner either in

person or through counsel.

3. The case of the petitioner as narrated in the petition is as follows:-

The petitioner is working as Advocate at Chennai. In the year 2006, the petitioner's wife started a business in the name and style of 'Lakshmi Tyre Traders' at Srivilliputtur, Virudhunagar District, by availing loan from Syndicate Bank, Rajapalayam Branch to the tune of Rs.12,00,000/-, and the petitioner, who stood as a Guarantor for due repayment of the loan, had executed a mortgage deed of his property situate at Door No.2, New No.5, Ward No.16, 3rd Street, Maruthupandiar Madathu East Street, Sivakasi Town as collateral security, in favour of the Syndicate Bank. At the time of executing the mortgage deed, the Bank's Panel Valuer of Syndicate Bank, Rajapalayam Branch, valued the property at Rs.11,31,000/- (Rupees Eleven Lakhs and Thirty One Thousand only) on 30.07.2004. In the year 2008, due to business loss, the petitioner's wife was not able to pay the loan amount and the bank treated the account as NPA. Therefore, in the year 2010 onwards, the petitioner and his wife gave a requisition to the bank for One Time Settlement of the loan amount. But, without giving any reply to the letter given by the petitioner, the then Bank Manager used the situation of the petitioner tried to alienate the property of the petitioner which was given as collateral security, by undervaluing the property at Sivakasi for Rs.8,38,000/- (Rupees eight lakhs and thirty eight thousand only) through a Bank's Panel Valuer from Coimbatore, and fixing the upset price at Rs.6,25,000/- through an auction on 22.12.2010. When the petitioner enquired about the same and also about the OTS requisition letter given by him, the then Bank Manager dragged on the matter on one ground or other. Hence, he sent a Right To Information Petition to the Regional Office of the Syndicate Bank, Coimbatore. From the reply given to his RTI Petition, the petitioner came to know that his property was auctioned on 22.12.2010 itself and only one person, who is none other than the Bank's Collection Agent Mr.Sevugaperumal, has participated in the auction and purchased the property at throw out prize of Rs.7,00,002/-. Even as early as 2004, the value of the petitioner's property is Rs.11,31,000/-. In such a situation, definitely the value would be increased in the year 2010. But the then Bank Manager in connivance with the Authorised Officer and the Bank's Collection Agent sold the property of the petitioner in a throw out prize, thereby caused huge loss not only to the petitioner but also to the bank. The petitioner also sent a letter explaining the entire irregularities to the Regional Office, Syndicate Bank, Coimbatore, but so far no reply is received. Therefore, the petitioner filed a case against the Bank in Debt Recovery Tribunal at Madurai, challenging the auction of the Syndicate

Bank, Rajapalayam Branch and the same is pending. The petitioner has also made a complaint before the respondent on 22.07.2015 to enquire the matter and file a case against the culprits, but so far no action was taken. Hence, this petition.

4. The respondent has filed Status Report, wherein, it is stated that the complaint of the petitioner dated 22.07.2015 was received by the respondent on 06.08.2015 and the same was forwarded to the Chief Vigilance Officer, Syndicate Bank, Bangalore on 07.08.2015 for internal investigation. The Status Report narrated the difficulties faced by the CBI and also cited the following judgments of the Hon'ble Supreme Court:-

(1) Saravanan Karuppasami and another ..vs.. State of Tamil Nadu and others - 2014 (10) SCC 406.

(2) Prof.K.V.Rajendran ..vs.. Superintendent of Police, CBCID, South Zone, Chennai - 2013 (12) SCC 480.

(3) State of West Bengal and another ..vs.. Committee for Protection of Domestic Rights, West Bengal - 2010 (2) SCC 467.

(4) Sakri Vasu ..vs.. State of UP and others - 2008 (2) SCC 409.

5. Heard the learned Special Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Considering the facts and circumstances as stated by the respondent, as the respondent has already forwarded the complaint to the Chief Vigilance Officer, Syndicate Bank, Bangalore, the petitioner may approach the Chief Vigilance Officer, Syndicate Bank, Bangalore, regarding the outcome of the complaint given by him. Moreover, as stated by the respondent, this case does not fall under the Special type of cases to be investigated by the respondent / CBI.

7. Considering the above circumstances, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to approach the State Police.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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