

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.11.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A.No.3605 of 2011

K.S.Gangadharan

... Appellant/Petitioner/3rd Party

Vs.

1.The Competent Authority /
District Revenue Officer
Chennai.

... Respondent/Respondent/Complainant

2.The Inspector of Police,
Economics Offences Wing-II,
Chennai.

... Respondent/Respondent/Complainant

This Civil Miscellaneous Appeal is filed under Section 11 of the Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act 1997, to set aside the order dated 19.07.2011 passed in I.A.No.27A of 2010 in O.A.No.15 of 1999 on the file of the Learned Special Judge under Tamil Nadu Protection of Interests of Depositors (In financial establishment) Act 1997, Chennai - 104.

For Appellant : Mr.E.Kanndasan

For Respondent : Mr.A.Devenderan
Government Advocate

Judgment

This Civil Miscellaneous Appeal has been filed against the fair and decreetal order dated 19.07.2011 passed in I.A.No.27A of 2010 in O.A.No.15 of 1999 on the file of the Learned Special Judge.

2. The appellant had purchased Plot No.9 at Sadasaivam Nagar, Madipakkam, from Mrs.Uma Anantharam under sale deed dated 07.05.2003 and the same was registered as Document No.2085/2003, at the office of the Sub-Registrar Velacherry. The adjacent Plot Nos.8 & 10 belong to one New India Finance and Investment

Company, which is a partnership firm of Subramanian and his wife. Since the company had failed to return the deposit amount due to the depositors, the Government, temporarily attached the properties belonging to the said company in G.O.Ms.No.1415 Home (Court) dated 12.10.1998. While doing do, the Government had mistakenly included Plot No.9, which is belongs to the appellant herein, and therefore, the appellant had filed a petition in I.A.No.27A of 2010 in O.A.No.15 of 1999 on the file of the learned Special Judge, for raising the above issues. But, the Lower Court, without even going into the facts and merits of the case, had erroneously dismissed the said petition on 19.07.2011, stating that the petition is not maintainable, since the Government has passed G.O.Ms.No.1415 dated 12.10.1998, interim attachment was made and on filing O.A.No.15 of 1999 such interim attachment was also made absolute by the Lower Court. Aggrieved by the said order, the present Civil Miscellaneous Appeal has been filed by the appellant.

3. When the matter was taken up on 12.10.2018, this Court has directed the learned Government Pleader to produce all the relevant records pertaining to the disputed properties. Accordingly, today i.e. on 02.11.2018, the learned Government Advocate has produced a copy of G.O.Ms.No.492 dated 18.06.2015, wherein, it could be seen that the appellant's plot ***(No.9), to the extent purchased by him,** which was wrongly included in G.O.Ms.No.1415 Home (Court) dated 12.10.1998, has been removed from the list of properties attached, and only the House Plot Nos.8 and ***10**, which are belong to the finance company have been attached as per the schedule.

4. Hence, in the above stated circumstances, this Civil Miscellaneous Appeal is allowed. No costs.

Sd/-

Assistant Registrar

Dated : 13/02/2019

***Corrected as per order
dated 02/11/2018 made in CMA No.3605 of 2011**

Sd/-

Assistant Registrar

Dated : 21/03/2019

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Revenue Officer
Chennai.

2. The Inspector of Police,
Economics Offences Wing-II,
Chennai.

3. The Special Judge,
TNPID ACT
(Tamil Nadu Protection of Interest
of Depositors Act), Chennai.

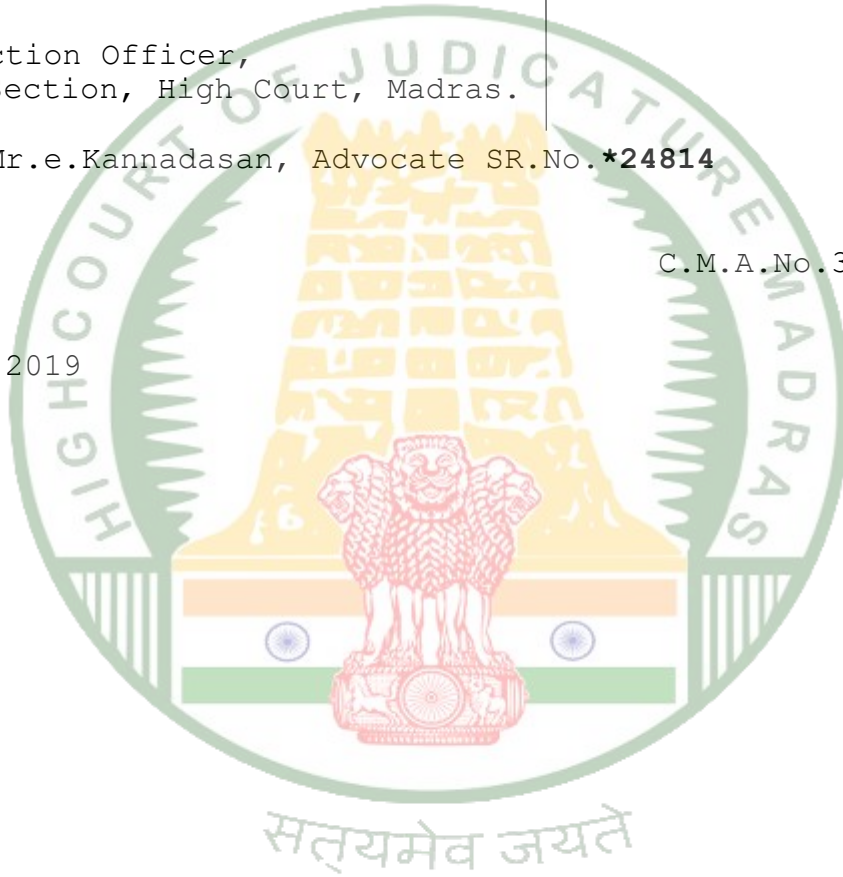
4. The Section Officer,
V.R.Section, High Court, Madras.

+1 cc to Mr.e.Kannadasan, Advocate SR.No.*24814

To be substituted to the
order already dispatched
on 08/03/2019

C.M.A.No.3605 of 2011

NRL (CO)
CSL/14.02.2019



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