

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Contempt Petition No.2178 of 2018

and

Sub.A.Nos.611 and 635 of 2018

C.P.Subash,
General Manager, SNP Ventures LLP
(formerly known as SNP Ventures Pvt. Ltd),
Door No.4, Plot No.2, Shanthi Street,
Dr.Seethapathy Nagar,
Velachery, Chennai-600 042.

... Petitioner in Contempt Petition/
Sub Applications

Vs.

1. Ravindra Raje
S/o Keshav Dattatraya Raje,
Director, GWL Properties Ltd.,
43, Darga Road, Zameen Pallavaram,
Chennai-600 043.

... Respondent in Contempt Petition /
Sub Application No.611/2018 and 1st
Respondent in Sub Appl. No.635/2018

2. GWL Properties Ltd.,
Rep. By its Directors,
43, Darga Road,
Zameen pallavaram,
Chennai 600 043.

3. Sanjeev Jain,
Director,
GWL Properties Ltd.,
43, Darga Road,
Zameen pallavaram,
Chennai 600 043.

WEB COPY

4. Ashok Kumar,
Director, GWL Properties Ltd.,
43, Darga Road,
Zameen pallavaram,
Chennai 600 043.

5. Pratap Dange,
Group Legal Head,
GWL Properties Ltd.,
43, Darga Road,
Zameen pallavaram,
Chennai 600 043.

6. Embassy Property Developments Pvt Ltd.,
Rep. By its Director K.Y.Gopikrishan,
Embassy Point No.150 Infantry Road,
Bengaluru 560 071.

...Respondents 2 to 6 proposed parties

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for having committed and for continuing to commit act of contempt and perjury, by wilful breach of undertaking given in the form of affidavit dated 26.08.2013 filed before this Court in CrI.O.P.No.13895 of 2013 to obtain favourable consequential order dated 27.08.2013 to quash the criminal proceedings, vide FIR No.41 of 2010 on the file of the Central Crime Branch, Chennai.

Sub Application No.635 of 2018

To implead the proposed Respondents 2 to 6 in the above contempt Petition NO.2178/2018 and to pass such further or other orders.

Sub Application No.611 of 2018

To order of interim injunction restraining the respondents from in any way subjecting or causing encumbrance over the immovable properties of the petitioner company of n extent of 20.45 acres comprised in survey numbers 272/5, 272/9, 272/10, 277/2, 277/4, 277/4, 277/5, 278/1, 278/2A, 2B, 278/3B, 278/4, 2778/5, 278/6A, 278/7A, 279/3&4 279/5, 279/7&8 279/2 , 279/6, 282/3, 286/1, 287/3, 287/9, 288/1, 288/5A, 5B, 289/1, 289/2A, 2B, 289/3A, 289/3 & 4 289/6A, 6B, 290, 291/3, 292/1, 1B, 295/3, 295/4, 296/3, 296/3, 296/5, 297 situate at zamin pallavaram village pallavaram taluk Kancheepuram district.

For Petitioner : Mr.A.Thayaparan

For Respondents : Mr.Anirudh Krishnan

WEB COPY

ORDER

This Contempt Petition has been filed to punish the respondent for having committed and for continuing to commit act of contempt and perjury, by wilful breach of undertaking given in the form of affidavit dated 26.08.2013

filed before this Court in CrI.O.P.No.13895 of 2013 to obtain favourable consequential order dated 27.08.2013 to quash the criminal proceedings, vide FIR No.41 of 2010 on the file of the Central Crime Branch, Chennai.

2. Brief facts of the case are as follows:

(i) The second respondent in CrI.O.P.No.13895 of 2013 is the petitioner herein. He lodged a complaint as against the respondent herein along with the other accused, before the Inspector of Police, Chennai Suburban Police, Chennai alleging land grabbing. Based on the said complaint, a case was registered in Crime No.41 of 2010 for the alleged offences punishable under Sections 468 and 471 IPC. The said case was subsequently transferred to the file of the Inspector of Police, Central Crime Branch-II, EDF-III, Egmore, Chennai.

(ii) The de-facto complainant/contempt petitioner herein in his complaint has stated that his company, namely SNP Ventures Private Limited is carrying on trade in acquiring and developing properties. During the course of its business, it purchased an extent of 17 acres and 18 cents of land, comprised in various survey numbers from the respective lawful owners at Zamin Pallavaram Village, then

Tambaram Taluk, now Alandur Taluk, Kancheepuram District. From the date of purchase, the said Company is in possession and enjoyment of the said land(s). Patta was also issued in the name of the Company and the Company is paying all public outgoings such as urban land tax, etc.

(iii) It is the allegation of the de-facto complainant that the Company, namely Gordon Woodroffe Limited, with a dishonest intention to grab the land from the de-facto complainant, in a fraudulent manner, obtained Patta and filed a petition dated 13.03.2006 before the Tahsildar, Tambaram, requesting the Tahsildar to take action and hand over the possession of the land to them. They have also produced copies of two sale deeds, bearing Document No.1551 of 1922, dated 10.03.1922 registered at Saidapet Sub-Registrar Office and Document No.1575 of 1922, dated 27.06.1922, registered at Sub-Registrar Officer at Saidapet. When the de-facto complainant made verification of the same at the Sub-Registrar Office, Saidapet under the Right to Information Act, to his shock and surprise, he found that those documents viz., 1551 and 1575 of 1922 pertain to the transaction between some other private parties not concerned either with Gordon Woodroffe Limited or Gordon Woodroffe Properties Limited.

(iv) It is the further case of the petitioner that after coming to know about the fraudulent claim of the respondent's Company, he has filed the present complaint. The respondent herein filed CrI.O.P.No.13895 of 2013 to quash the said complaint.

3. When CrI.O.P.No.13895 of 2013 came up before this Court for hearing on 27.08.2013, it was represented by both sides that the matter has been amicably settled between the parties. Accordingly, the above complaint had been quashed based on the decision of the Supreme Court reported in 2012 (10) SCC 303 (Gian Singh Vs. State of Punjab and another) and also taking into account the affidavits filed by the petitioner and the respondent herein.

4. Now, the present Contempt Petition has been filed in 2018 stating that based on the undertaking affidavit, dated 26.08.2013 filed before this Court by the respondent herein on behalf of his Company, in CrI.O.P.No.13895 of 2013, the complaint had been quashed and in the said affidavit, it is stated as follows:

"I state that after the complaint of SNP Ventures Private Ltd. was taken up and after scrutiny of our documents and a detailed examination of the documents produced by SNP Ventures, it has come to light from these comparative

documents read with old connected records that our documents do not confer title to the property on the company. We have only now been able to establish the fact that the extent of land, from the inception was never owned by the company, which was a bona-fide belief we were under, and the reliance placed by us on a mistake, (which is contiguous to vast extent of lands undisputedly owned by us). I state that it is in these circumstances, we have come to the conclusion that the company never had title to the said property either on the basis of the copies of the two sale deeds referred herein above and/or on the basis of the connected revenue records.

I state that having now become aware that the title in respect of the aforesaid lands is not a valid and lawful title, we have agreed to unconditionally withdraw the suits and all/or other proceedings filed by us against SNP Ventures Private Limited in respect of the said lands."

Based on the abovesaid affidavit, the complaint was quashed by this Court by the order dated 27.08.2013 in Cr1.O.P.No.13895 of 2013.

5. It is the contention of the petitioner that the petitioner's Company in bona-fide manner, believed the representation of the respondent's Company and its Directors, as they had filed an affidavit before this Court confessing that they had no claim, title or ownership over the subject lands by explicitly admitting that the two

documents of sale relied on by them were fabricated documents and it is solely for this reason that the petitioner's Company had not objected to quashing the criminal proceedings under Crime No.41 of 2010 on the file of the Central Crime Branch, Chennai. If such affidavit is not filed before this Court or the undertaking that they have no rights or claim over the subject lands not being given, the criminal proceeding would not have been quashed and the offenders would have been enquired and charged for the alleged offence of forgery of documents and land grabbing.

6. While the petitioner's Company was resting on the belief that they have been able to protect their land from the respondent, the petitioner's Company was given to understand that the respondent's Company was being acquired by a third party real estate developer by way of acquisition of shares and that the very same lands belonging to the petitioner's Company were included as part of the transaction as lands belonging to the respondent's Company. The petitioner's Company thereafter came to know that there were arbitration proceedings among the respondent's Company and others and the third party developer in connection with the purchase of shares of the

respondent's Company and that the subject of the arbitration proceedings included the lands belonging to the petitioner's Company that was earlier sought to be usurped by the respondent's Company using forged documents.

7. Subsequently, the said complaint was quashed by this Court based on the undertaking given by the respondent's Company. Hence, the present Contempt Petition is filed stating that there is violation of the undertaking given by the respondent's Company and they have included two sale deeds in the arbitration proceedings.

8. Today, when the Contempt Petition is taken up for consideration, the respondent's Company has filed a Memo, 20.12.2019 stating that A.No.6642 of 2019 had been filed by M/s.S.N.P.Ventures LLP in Original Petition in O.P.No.891 of 2015 pertaining to challenge of an Arbitral Award pending on the file of this Court, seeking to permit them to intervene in the said O.P on the ground that its interests over certain immovable properties are affected. On the direction of this Court in the said O.P., an affidavit was filed, wherein M/s.Jumbo World Holdings Limited and M/s.Embassy Property Development Private Limited undertook through affidavits that the Arbitral Award in no way affects the interest of the third parties.

This Court, in the said O.P., recorded the said affidavit by order dated 15.10.2019.

9. Hence, nothing further survives for consideration in this Contempt Petition, which is accordingly closed, recording the contents of the said Memo. Consequently, Sub-Applications are also closed.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

cs

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

SMI/27/01/2020

सत्यमेव जयते

WEB COPY