



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.10613 of 2019

WEB COPY

Bhasikumaran Nair

...Petitioner

Vs

1.The Competent Authority cum
The District Revenue Officer,
Kanyakumari District
at Nagercoil.

2.State represented by
The Deputy Superintendent of Police,
Economic Offences Wing
(Finance Institution)
Kanyakumari District
at Nagercoil.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to bring on auction sale the jewels and finished products seized and identified from the prime accused Nirmalan by the committee appointed by this Court in Crl.O.P.(MD)No.8060 of 2018 and realize the amount.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel on either side.

2.By the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The writ petitioner is one of the depositors of Nirmal Krishna Benefit Fund. The said financial establishment defaulted in repaying the matured deposits. Therefore, a criminal case under the provisions of Tamil Nadu Protection of Interests of Depositors in Financial Establishments (TNPID) Act, has been registered. When some of the accused sought Anticipatory Bail before this Court, this Court put the accused on terms. The accused have clearly expressed their no objection for bringing the property to sale. Vide order dated 31.07.2018, this Court passed the following order:

<https://hcservices.ecourts.gov.in/hcservices/>

"10. The District Revenue Officer, Kanyakumari at Nagercoil will bring all the assets set out in the five



scheduled items to sale in appropriate stages. Priority will be given to the movable items. The A Schedule vehicles will be sold within a period of one month from the date of issuance of this order copy. The Committee will ensure that the cost of publication remains as low as possible. The Committee shall open a web-site. The details of the auction, sale price etc., will be available in the said website. Since there are about 7000 depositors, the Committee shall open social media accounts such as Whats App, Facebook page. They shall be activated and operated to give maximum publicity to the auction details and the activities of the Committee. The Government departments also shall prominently publish the auction notice in their notice boards. The Public Relation Officer shall also give regular press releases."

4.The grievance of the petitioner is that the first respondent is not bringing the movable properties of the defaulters to sale. His submission is that if the movable properties are not brought to sale speedily, they would lose their value.

5.I find the said submission to be well founded. Therefore, the first respondent is directed to expedite the process of selling the seized articles of the financial establishment as well as the accused.

6.The learned Special Judge(TNPID cases), Madurai, is directed to oversee this process. Registry to mark a copy of this order to the learned Special Judge, TNPID Cases, Madurai.

7.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

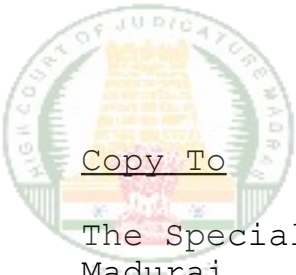
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Sub Assistant Registrar(CS)

To

1.The Competent Authority cum
The District Revenue Officer,
Kanyakumari District
at Nagercoil.

2.The Deputy Superintendent of Police,
Economic Offences Wing
(Finance Institution)
Kanyakumari District
at Nagercoil.



Copy To

The Special Judge (TNPID cases),
Madurai.

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No.63490

+1cc to M/s.Special Government Pleader, SR.No. 64654

W.P. (MD) No.10613 of 2019

27.04.2019

pnn

KK/SAR/03.05.2019/ 3P- 6C