

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.A.Nos.1414 to 1416 of 2021
& CMP Nos.8743, 8748 & 8754 of 2021

Pondicherry Non-Banking Investors,
Protection Association for PNL Nidhi Limited,
Rep., by its President Govindasamy,
No.159, Ambedkar Salai,
Pondicherry-1. ..Appellant in all W.As.

Vs

- 1.The Union of India,
Represented by its Secretary(Home),
Government of Pondicherry, Pondicherry.
- 2.The Deputy Collector(North),
O/o The Collectorate,(Competent Authority under PPIDFE Act)
Pondicherry.
- 3.PNL Nidhi Ltd.,
Mission Street,Pondicherry.
- 4.V.Kannan,
Promoter-PNL Nidhi Ltd.,
- 5.V.Baskaran
Promoter-PNL Nidhi Ltd.,
Both respondents 4 and 5 are
residing at No.1/39,
Agraharam Street, Kumbakonam.
- 6.The Superintendent of Police (CID),
O/o of the CBCID of Police,
Pondicherry.
- 7.The Government of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St. George,
Chennai-9.
- 8.State Represented by
The Superintendent of Police,
Economic Offences Wing II,
Cuddalore.
- 9.The District Revenue Officer,
(Competent Authority under TNPID Act),
Cuddalore.

10.PNL Ltd.,
Cuddalore Branch Depositors Welfare
Association, Govindasamy Nagar, Cuddalore.
Rep., by its President S.Ramachandran

11.Regina Fatima Marie Saint Jacques,
W/o Merian Jean - Pierce,
No.34, Ramanar Street,
Mudaliarpet, Pondicherry-4.

..Respondents in
W.A.No.1414/2021

- 1.The Union Territory of Puducherry,
Represented by Special Secretary(Revenue),
Department of Revenue & Disaster Management,
Puducherry.
- 2.The Superintendent of Police (CID),
Puducherry.
- 3.The Competent Authority,
Appointed under Puducherry Protection of
Interests of Depositors
in Financial Establishments Act, 2004,
Puducherry-605 001.
- 4.PNL Nidhi Limited,
189, Mission Street,
Puducherry-605 001.
- 5.N.Rajalakshmi
- 6.M/s.Calcom Credit and Holdings Private
Limited, Regd. Office: Flat No.J-62,
T1 (Top Floor), Dilshad Extension No.I,
Dilshad Colony, Shahdara,
New Delhi - 110 095.
- 7.M/s.Rajat Chakra Credit and Holdings
Private Limited,
Regd. Office: Flat No.J-62,
T1 (Top Floor), Dilshad Extension No.I,
Dilshad Colony, Shahdara, New Delhi - 110 095.
- 8.M/s.Satluj Credit and Holdings Private
Limited,
Regd. Office: Flat No.J-62,
T1 (Top Floor), Dilshad Extension No.I,
Dilshad Colony, Shahdara,
New Delhi - 110 095.
- 9.M/s.Sheetala Credit and Holdings Private
Limited,
Regd. Office: Flat No.J-62,
T1 (Top Floor), Dilshad Extension No.I,
Dilshad Colony, Shahdara,
New Delhi - 110 095.

10.M/s.Twentieth Century Apco Leasing
Private Limited,
Regd. Office: CK 5, Sector 2,
Salt Lake, IInd Floor, Kolkatta - 700 091.

.. Respondents in W.A.
No.1415 of 2021

- 1.The Union Territory of Puducherry,
Represented by Special Secretary(Revenue),
Department of Revenue & Disaster Management,
Puducherry.
 - 2.The Superintendent of Police (CID),
Puducherry.
 - 3.The Competent Authority,
Appointed under Puducherry Protection of
Interests of Depositors
in Financial Establishments Act, 2004,
Puducherry-605 001.
 - 4.PNL Nidhi Limited,
189, Mission Street,
Puducherry-605 001.
- S.Natarajan

.. Respondents in W.A.
No.1416 of 2021

Prayer: Appeals filed under Clause 15 of the Letters Patent
against the common order dated 18.03.2021 passed in W.P.Nos.4722
of 2016, 18681 and 18683 of 2020.

(WA.No.1414 of 2012) Prayer in W.P.No.4722 of 2016:

Writ Petition filed under Article 226 of the Constitution of
India Praying for issuance of a Writ of Mandamus Directing the
respondents 1 to 3; 6 and respondents 7 to 9; respondents 4 and
5 to properly assist Thiru K.P.Sivasubramanian Learned Judge
(Retd.) High Court of Madras - Administrator appointed by this
Honourable Court in disbursing the deposits to the depositors
as per the Memorandum of Agreement entered between the
Petitioner Association and the 3rd respondent within such
stipulated time period in the light of the Order passed in
W.P.No.11857 of 2013 dated 20.06.2014.

(WA.No.1415 of 2012) Prayer in W.P.No.18681 of 2020:

Writ Petition filed under Article 226 of the Constitution of
India Praying for issuance of a Writ of Certiorari Calling for
the records relating to the Government order in G.O. (Ms) No 10
Department of Revenue and Disaster Management dated 19.08.2019
of the first respondent herein and quash the same and
consequently direct the first respondent to forthwith release
the funds deposited with the Registry of the Honble Supreme
Court along with interest.

(WA.No.1416 of 2012) Prayer in W.P.No.18683 of 2020:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorari Calling for the records relating to the Government order in G.O. (Ms) No 10 Department of Revenue and Disaster Management dated 19.08.2019 of the first respondent herein and quash the same consequently direct the first respondent to forthwith release the funds deposited with the Registry of the Honble Supreme Court along with interest.

For Appellant : Mr.M.Devaraj
in all WAs.

For Respondents : Mrs.N.Mala,
in WA.1414/2021 Government Pleader(Pondy) for R1 & R2
Mr.S.Ravi for R3 to R5
Mr.Bharadhachakravarthy for R6 to R9

For Respondents : Mrs.N.Mala,
in WA.1415/2021 Government Pleader(Pondy) for R1
Mr.Bharadhachakravarthy for R2 & R3
Mr.S.Ravi for R4
Mr.AR.L.Sundaresan, Sr.Counsel,
for Ms.AL.Ganthimathi for R5 to R10

For Respondents : Mrs.N.Mala,
in WA.1416/2021 Government Pleader(Pondy) for R1
Mr.Bharadhachakravarthy for R2 & R3
Mr.S.Ravi for R4
Mr.AR.L.Sundaresan, Sr.Counsel,
for Ms.AL.Ganthimathi for R5

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

These appeals have been preferred by the appellant, who was the writ petitioner in W.P.Nos.4722 of 2016. The primary challenge to the order passed by the learned single Judge is that the recording made in the order under challenge with respect to the consent is factually incorrect. On a similar appeal filed laying a challenge to the very same order impugned before us in C.M.P.No. 7889 of 2021 in W.A.SR.No.37608 of 2021 dated 26.04.2021, we have held that if a wrong recording has been made by the learned single Judge before the Court of

Record, the remedy open is to approach the very same Court to rectify the mistake committed. On this settled principle of law, we have passed the aforesaid order. For the better appreciation, the operative portion of the order is recorded hereunder.

"Though this petition has been filed seeking leave, after going through the order passed by the learned single Judge, this Court is of the view that the remedy open to the petitioners is to approach the learned single Judge, contending that the order has been passed wrongly recording the submission made as if it is a consent order. We are also of the view that this being the Court of record, it is the proper remedy instead of filing an appeal.

2. In such view of the matter, without expressing anything on the merits of the case, this miscellaneous petition stands closed, giving liberty to the petitioners to approach the learned single Judge. Consequently, W.A.SR.No.37608 of 2021 stands closed."

2. Pursuant to the said order, the other aggrieved party has already filed a review. Now the present appeals have been filed by the appellant challenging the very same set of orders passed by the learned single Judge.

3. It is not in dispute that the recording of the learned single Judge includes the appellant also. According to the appellant, it has been wrongly recorded, as if, the appellant has given consent. If that is the case, the order passed earlier will have to be applied to the case of the appellant also. As we have granted four weeks time to file the review without the need for an application for condonation of delay, keeping in mind Section 14 of the Limitation Act, 1963, we are not inclined to entertain these appeals. We permit the appellant to file review petitions, if so advised, within a period of four weeks from the date of receipt of a copy of this judgment.

4. Registry is directed to give a copy of the order in these appeals on or before Friday i.e., on 25.06.2021. We make it clear that the review petition aforesaid will have to be considered by the Registry within the time mentioned without insisting upon the application for condonation of delay.

5. These writ appeals stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

raa/mmi

To

1. The Union of India,
Represented by its Secretary(Home),
Government of Pondicherry, Pondicherry.
2. The Deputy Collector(North),
O/o The Collectorate,
(Competent Authority under PPIDFE Act), Pondicherry.
3. The Superintendent of Police (CID),
O/o of the CBCID of Police, Pondicherry.
4. The Government of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St. George,
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5. State Represented by
The Superintendent of Police,
Economic Offences Wing II, Cuddalore.
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in Financial Establishments Act, 2004, Puducherry-605 001.
8. The Union Territory of Puducherry,
Represented by Special Secretary(Revenue),
Department of Revenue & Disaster Management, Puducherry.

+1 cc to Government Pleader Sr.No. 28872, 28869
+1cc to Mr. Gupta and Ravi, Advocate SR.No. 28782
+1cc to Mr. M. Devaraj, Advocate SR.No. 28763
+2ccs to Mr. M. Devaraj, Advocate SR.No. 28764, 28765 (30.06.21)
+2ccs to M/s. AL. Ganthimathi, Advocate SR.No. 28902, 28903 (30.06.21)
W.A. Nos. 1414 to 1416 of 2021

JP co

A.SK(28.06.2021)