

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice P. N. PRAKASH
CRIMINAL MISCELLANEOUS PETITION No.5108 of 2021
in
CRL.OP.NO.14967 OF 2016

JUSTICE K.CHANDRU
COURT COMMISSIONER

[PETITIONER/APPLICANT/
RESPONDENT No.5.]

IN THE MATTER OF CRL.OP.NO.14967/2016

N.ANANTHAN

..RESPONDENT/PETITIONER/ACCUSED

Vs

1 THE SUPERINTENDENT OF POLICE
GUDALUR, NILGIRIS.

2 THE INSPECTOR OF POLICE
GUDALUR, NILGIRIS.

3 CHARITY HOME FOR
THE MENTALLY RETARDED, REP.BY ITS MANAGING
TRUSTEE CHARITY HOMES FOUNDATION, 12/172-C,
MAKAMOOLA THORAPPALI ROAD, GUDALUR, THE
NILGIRIS.

4 THE DISTRICT COLLECTOR
MADURAI.

..RESPONDENTS/RESPONDENTS 1 TO 4

Petition praying that in the circumstances stated therein the
High Court will be pleased

(a) permit the Court Commissioner to sell the property at Plot
Nos.120 Survey No.545/1,539/2 and 540, Sathya Sai Nagar,
kattarambakkam(2,400 sq.ft) to Mrs.Naga Durga Suneetha,#24, F4, first
Floor, Lalitha Flats, Madipakkam Main Road, Madipakkam, Chennai-600
091 as and when she deposits Rs.5,80,000 with the Court Commissioner
and the sale deed to be executed by Mr.M.K.Kabir, Court appointed
guardian for Manoj Rajan with the Jurisdictional registrar and hand
over all the original documents to the Purchaser of the property.

(b)modify the order dated 02.09.2016, more particularly para 35 (4)(b) and permit the Registration Department and its jurisdictional officer to register the sale of the property covered by Document No.3848 of 1989 and also to carry out appropriate entries in the encumbrance Certificate.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of JUSTICE K.CHANDRU RETD COURT COMMISSIONER [PETITIONER/APPLICANT/COURT COMMISSIONER RESPONDENT No.5.] Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR(R1,R2 & R4) and of M/S P.V.RAVICHANDRAN Advocate(R-3)on behalf of the Respondents the court made the following order:-

Notice is taken by the respondents. Heard Mr.M.K.Kabir, Senior Advocate and Court appointed Guardian of Manoj Rajan.

2 This is a petition filed by Justice K. Chandru (Retd.), Court Commissioner, for selling the property as noted in the petition. The circumstances under which the properties of Manoj Rajan which are directed to be sold are as under.

3 By order dated 11.12.2018, this Court permitted Mrs.R.Rajkumari to submit a copy of the valuation report along with Form-C and Form-D to the Local Level Committee (constituted under Section 13 of The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999) at Madurai, intimating the Committee about the properties standing in the name of Manoj Rajan and the valuation thereof.

4 Subsequently, by another order dated 22.11.2019, on the memo filed by Mrs.R.Rajkumari, she was directed to file an application to the Local Level Committee seeking its permission to sell the properties belonging to Manoj Rajan and the Committee was directed to convene a meeting to decide the sale of the property. In the order dated 26.02.2020, the report dated 13.12.2019 received from the Local Level Committee wherein a decision was taken by the Committee to give permission to dispose of the immovable properties of Manoj Rajan under the supervision of the Court, was recorded.

5 It was also recorded that the District Collector, by his proceedings dated 13.12.2019, in reference no. Na.Ka.No.2383/AST/2014, has accordingly granted permission to sell the properties of Manoj Rajan, including the property covered by these proceedings under the supervision of this Court. Therefore, there is no impediment for selling the property as the sale has been permitted by the appropriate Local Level Committee constituted under the Central Act 44 of 1999. In order to have supervision over the sale, this Court appointed Justice K. Chandru (Retd.) as Court Commissioner vide order dated 03.10.2018.

6 Under the very same order, this Court decided to sell the property owned by Mrs.Lizzie Rajan (M/o. Manoj Rajan) relating to Plot No.120, Survey Nos.545/1, 539/2 and 540, Sathya Sai Nagar, Kattarambakkam measuring 2,400 sq.ft. However, Mrs. Lizzie Rajan passed away on 14.05.1993 leaving her husband E.J.Rajan and son R.Manoj Rajan as the only legal heirs. Subsequently E.J.Rajan died on 26.12.2013 leaving Manoj Rajan as the only surviving heir who had inherited the property.

7 By further order dated 11.12.2018, this Court recorded the valuation determined by the Registration Department in respect of Plot No.120, Survey Nos.545/1, 539/2 and 540, Sathya Sai Nagar, Kattarambakkam, measuring 2,400 sq.ft. as Rs.4,00,800/-. In the same order, Justice K. Chandru (Retd.), Court Commissioner and Mr. M.K. Kabir, Court appointed guardian were directed to take appropriate steps to bring the immovable properties for sale in accordance with law.

8 Thereafter, by order dated 26.02.2020, this Court appointed a 3 Member Team i.e., Mr.M.K.Kabir, Court appointed guardian of Manoj Rajan, Mr.S.Vijayaraghavan, Advocate and Mr.N.Vijayaraghavan, Advocate to assist the Justice K. Chandru (Retd.), Court Commissioner, in selling the property. By the very same order, this Court also authorised the Commissioner to utilise the services of Murray & Co. for selling the properties.

9 By order dated 02.12.2020, in view of the situation arisen on account of the pandemic, the order dated 26.02.2020 was modified to the effect of dispensing with the necessity of requisitioning the assistance of the auctioneers. Pursuant to the said order passed by this Court, Justice K. Chandru (Retd.), Court Commissioner, took appropriate steps to sell the house site.

10 After receiving the sealed tender and opening the same, the Commissioner found that the successful bidder was one Mrs.Naga Durga Suneetha, No.24, F4, First Floor, Lalitha Flats, Madipakkam Main Road, Madipakkam, Chennai - 600 091 as she had quoted Rs.5,80,000/- as her bid. The Court appointed guardian concurred with the decision of the Commissioner and it was also informed to the 3 Member Team.

11 Justice K. Chandru (Retd.), Court Commissioner, also informed this Court that pursuant to the provisional allotment made, the successful bidder has transferred a sum of Rs.5,80,000/- in three instalments (15.04.2021:Rs.2,50,000/- (RTGS), 16.04.2021 : Rs.80,000-(IMPS) and 19.04.2021: 2,50,000/- (RTGS) to S.B.A/c No.1153197000000016, to his account, maintained with Karur Vysya Bank Ltd, Chennai Main Branch and he has also confirmed the receipt of the amount.

12 It is under these circumstances that the instant petition came to be filed by Justice K. Chandru (Retd.), Court Commissioner. It is found that the procedure adopted by the Court Commissioner for selling the property is just and proper and the price received is well above the valuation fixed by the Registration Department and this Court is inclined to order this petition as prayed for.

13 Under the said circumstances, this Court orders the following:

- i. it is directed that Justice K. Chandru (Retd.), Court Commissioner, can proceed to complete the formalities for transferring the property, being Plot No.120, Survey Nos.545/1, 539/2 and 540 in No.98, Sathya Sai Nagar, Kattarambakkam Village, Sriperumbudur Taluk, Chengalpattu District, measuring 2,400 sq.ft. to Mrs.Naga Durga Suneetha, No.24, F4, First Floor, Lalitha Flats, Madipakkam Main Road, Madipakkam, Chennai - 600 091 and the sale deed is to be executed by Mr.M.K.Kabir, Court appointed guardian for Manoj Rajan with the jurisdictional Registrar and hand over all the original documents to the purchaser of the property.
- ii. Justice K. Chandru (Retd.), Court Commissioner, is permitted to transfer the sale consideration of Rs.5,80,000/- to Manoj Rajan's S.B.Account No. 0942101018179 maintained with Canara Bank, Kasturiba Nagar Branch, Adyar, Chennai - 600 020.
- iii. The order of this Court dated 02.09.2016 in CrI.O.P.No.14967 of 2016 will stand modified in respect of para no.35(4)(b) and the injunction granted against the sale of the property will stand vacated so as to permit the Registration Department and its jurisdictional officer i.e. The Registrar, Sriperumbudur, to register the sale of the property covered by Doc.No.3848 of 1989 dated 24.08.1989 and for them to carry out appropriate entries in the register of encumbrance.

14 This Court places on record its deep gratitude to Justice K. Chandru (Retd.) for taking up the onerous responsibility of acting as Court Commissioner, pro bono (without seeking any remuneration) and assisting this Court in full for bringing the aforesaid property to sale considering that Manoj Rajan is mentally challenged and incapable of dealing with the property by himself.

This petition stands ordered accordingly.

-sd/-

22/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE HONBLE MR.JUSTICE K.CHANDRU (RETD.)
NO.4-B, "KANCHANA",
78, ST.MARYS ROAD,
ABIRAMAPURAM, CHENNAI-18.

2 MR.M.K.KABIR, SENIOR ADVOCATE
NO80, LAW CHAMBERS, HIGH COURT, CAMPUS,
CHENNAI 600 104

3 MR.N.VIJAYARAGHAVAN,
ADVACATE, NO.3, I STREET, NORTH GOPALAPURAM,
CHENNAI 600 086.

4 MRS.R.RAJKUMARI
EXECUTIVE DIRECTOR, M/S M.S.CHELLAMUTHU
TRUST & RESEARCH FOUNDATION, 643, K.K.NAGAR,
MADURAI -20 (MOBILE.96299 11343)

5 THE BRANCH MANAGER
CANARA BANK, THALLAKULAM BRANCH, MADURAI

6 THE BRANCH MANAGER
CANARA BANK, KASTURBAN NAGAR BRANCH, ADYAR,
CHENNAI 600 020.

7 THE REGISTRAR, REGISTRATION
DEPARTMENT SH 57, RAMANUJAR NAGAR,
SRIPERUMBUDUR, TAMIL NADU 602 105.

8 THE GOVERNMENT PLEADER,
MADRAS HIGH COURT, CHENNAI

9 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

10 THE SUPERINTENDENT OF POLICE
GUDALUR, NILGIRIS.

11 THE INSPECTOR OF POLICE
GUDALUR, NILGIRIS.

12 THE MANAGING TRUSTEE, CHARITY HOMES FOUNDATION,
CHARITY HOME FOR THE MENTALLY RETARDED,
12/172-C, MAKAMOOLA THORAPPALI ROAD,
GUDALUR, THE NILGIRIS.

13 THE DISTRICT COLLECTOR
MADURAI.

Order

in

CRL MP.5108/2021

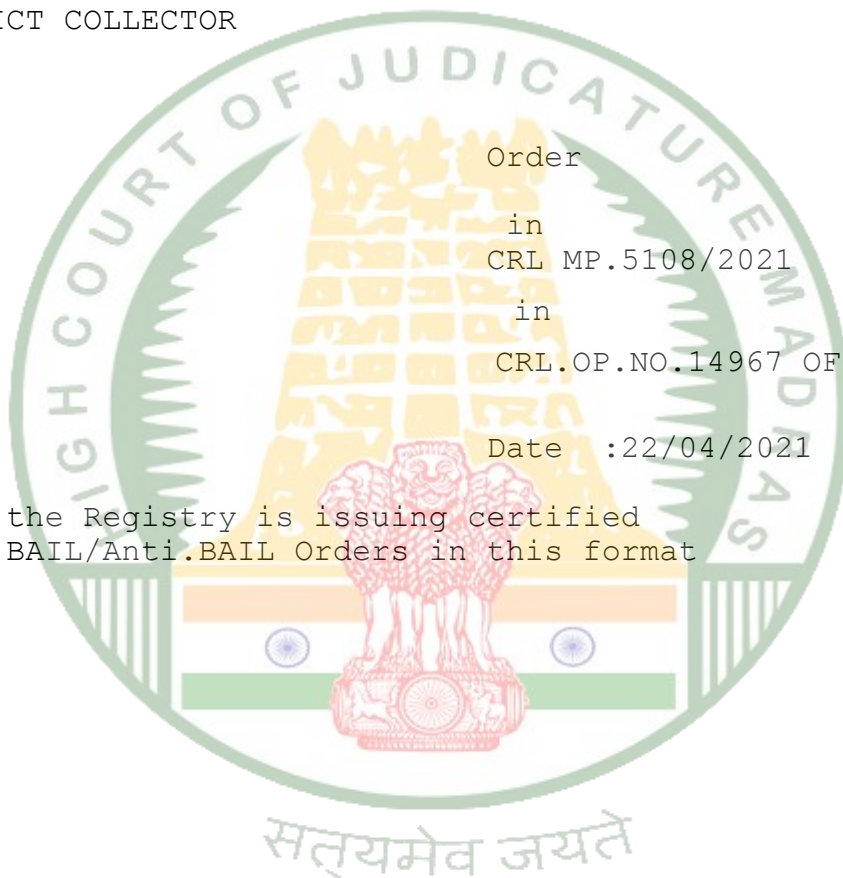
in

CRL.OP.NO.14967 OF 2016

Date :22/04/2021

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RVR 26/04/2021



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