



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 23433 of 2018

and

W.M.P.No.27350 of 2018

M.S. Ravi Kumar

...Petitioner

Vs

1. The District Revenue Officer,
Collectors Office,
Vellore - 9.

2. Tahsildhar
Karumbur Village,
Ambur Taluk,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to restore the Patta in respect of property measuring an extent of 1.30 acres situate S.F.No.44/2, Karumbur Village, Ambur Taluk, Vellore District in the name of the petitioner.

For Petitioner : Mr.R.Subramanian

Respondents : Mrs.A.Madhumathi

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus directing the respondents to restore the Patta in respect of the property measuring an extent of 1.30 acres situated in S.F.No.44/2, Karumbur Village, Ambur Taluk, Vellore District.

2. The case of the petitioner is that he is the absolute owner of agricultural land, measuring an extent of 1.30 acres in S.F.No.44/2, Karumbur Village, Ambur Taluk, Vellore District. He purchased the said property under a registered sale deed dated 11.02.1993. Subsequently, Patta was also issued to him. It is stated that he has been in possession and enjoyment of the property. The petitioner also admits that vide G.O.(Ms).No.914,



Home (Police XIX Department) dated 30.12.2011, the said property was attached under Section 3 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, believing that the property was purchased out of the funds generated by one Sri.Lakshmi Chit Fund Corporation, Ambur, Vellore District and Sri. Padmavathi Chit Fund Corporation Private Limited, Ambur, who had failed to return the money after collecting deposits from innocent Investors. In fact, proceedings were initiated against the Chit Fund Corporations and another, believing that the property itself was purchased out of the funds collected from the depositors by those Chit Fund Companies.

3. The petitioner admits that the 1st respondent has moved the Special Court by filing an application for making the order of attachment absolute. By order dated 19.09.2014, O.A.No.3 of 2013 was allowed and the order of attachment was made absolute. Thereafter, the petitioner and others filed C.M.A.No.3267 of 2014 before this Court challenging the attachment order passed by the Special Court. During the pendency of the proceedings, the petitioner states that he had deposited a sum of Rs.5,00,000/- (Rupees Five Lakh Only) before the Special Court and obtained an order of status quo in the said CMA. However, it is now admitted before this Court that in the Civil Miscellaneous Appeal filed by the petitioner and others, the appellants were directed to pay a sum of Rs.5,00,000/-. The order of attachment was made absolute by the Special Court, after considering the claim of the petitioner. An appeal has been preferred by the petitioner as against the order making the attachment absolute. The petitioner preferred the appeal before this Court in CMA, under Section 11 of the 'TNPID' Act, 1997. It is admitted before this Court that the appeal in C.M.A. No.3267 of 2014, was also disposed of. The claim put forth by the petitioner was not accepted by this Court in the said CMA and that the property is now available before the first respondent/DRO for sale of the property to settle the dues of all the depositors.

4. In these circumstances, the petitioner has challenged the Patta in favour of the first respondent. When the petitioner's claim is considered by this Court and it is decided that the property in his name should be made available to be proceeded with so that the sale proceeds can be distributed among the depositors, the petitioner has no right to claim ownership or title over the property based on the previous sale deeds.

5. The learned counsel appearing for the petitioner states that the order of attachment does not affect the ownership or possession. Once the property is attached, the attachment is



meant for the purpose of realizing the assets. The property is no more the property of individual, but made available for the depositors under the provisions of TNPID Act and the petitioner has no locus standi to question the change of Patta in favour of the 1st respondent.

6. Hence, the Writ Petition is devoid of any merits and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msm

To

1. The District Revenue Officer,
Collectors Office,
Vellore - 9.
2. Tahsildhar
Karumbur Village,
Ambur Taluk,
Thiruvallur District.

+lcc to Mr.R.Subramanian, Advocate Sr.20223
+lcc to the Government pleader Sr.20804

W.P.No. 23433 of 2018
and
W.M.P.No.27350 of 2018

jpl[col
srg 19/07/2021