



ORDER

This Writ petition has been filed for the issue a Writ of certiorarified Mandamus or any other appropriate Writ, direction or order in the nature of a writ, calling for the records of the 2nd respondent relating to his order in letter No. 572 of 2021 dated 19.07.2021, to quash the same and to issue consequential directions to the 2nd Respondent to implement the order dated 30.10.2018 of the Special Court for TNPID Act 1997, Chennai 104, in I.A No. 62 of 2011 in O.A.No.85 of 2010 by deleting the existing entry in the Encumbrance Certificate relating to Doc. No 4458 of 1992 or in the attachment ordered by the Special Court and pass orders accordingly.

2. The learned counsel for the petitioner would submit that on the basis of complaints received from a number of depositors that M/s. Suprabath Chits and Investments (P) Ltd and its sister concerns namely, 1. M/s. Balaji Hire purchase (P) Ltd, 2. M/s. Krishna Finance, Chennai had defaulted in the return of deposits made by them after maturity, the Government of Tamil Nadu in exercise of its powers conferred by Section 3 of the Tamil Nadu Protection of Depositors (in Financial Establishments) Act 1997 (Tamil Nadu Act., 44 of 1997), the Government of Tamil Nadu in and by G.O. Ms. No.215, Home (Police XIX) Department, dated 23.02.2010 passed an interim order attaching the cash and other immovable properties of Thiru.K.Kannan @Babu Managing Director and others of the above financial institution and the properties of Thiru.T. Kannappan. Director of the said financial establishment and appointed the District Revenue officer, Chennai, as competent Authority to take over control of the said cash and other properties, mentioned in schedules I and II to the said order.

3. It has been further stated by the learned counsel for the petitioner that in schedule II, in item No.24, the property of 1664 Sq Ft. in Kalikundram Village in T.S No. 9 (Part) house in Block 15, purchased by the petitioner herein under sale deed Document No.4458 of 1992 dated 23.11.1992 on the file of the SRO, Adyar from one T.S. Panchapagesan, is also mentioned in the order of the Government. Further, in the Encumbrance certificate which has been issued by the Sub Registrar, Adyar, Chennai-20, it has been mentioned that the said property has been attached under TNPID Act 1997. In this regard, M/s. India Bulls Financial services Ltd, rep by its Authorised officer, Mr. R. Inbasekaran has filed I.A No.62 of 2011 in O.A. No.85 of 2010 before the Special Court under TNPID Act 1997 Chennai 104 for raising the attachment of the said property made in G.O. Ms. 215, Home (PoliceXIX) department dated 23.02.2010 in so far as second Asset Mentioned in Serial No.24. After enquiry, the Special Court by order dated 30.10.2018 allowed the aforesaid



petition and against which no appeal has been filed so far and the order of the Special Court has become final.

4. The learned counsel for the petitioner would further submit that the 2nd respondent herein who made entries in the remarks column of Encumbrance certificate relating to the aforesaid property as having been attached Under TNPID Act 1997 is bound to delete the existing remarks or make entry about the raising the said attachment as per the order dated 30.10.2018 in I.A No. 62/2011 in OA No. 85/2010 passed by the Special Court under TNPID Act 1997, Chennai 104. As the 2nd respondent failed to act as such, the petitioner has made representation dated 07.07.2021 to the 2nd respondent to delete the remarks made in the Encumbrance Certificate about the attachment of the aforesaid property.

5. It has been further submitted by the learned counsel for the petitioner that after receiving the representation of the petitioner, the 2nd respondent by its letter No.572/2021 dated 19.07.2021 informed him that there is no provision in the Registration Act to delete the remarks made in the Encumbrance Certificate relating to Document No.4458 of 1992. Hence, the petitioner is left with no other option except to approach this Hon'ble Court by invoking its jurisdiction under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to Letter No.572/2021 dated 19.07.2021 and to quash the same.

6. The learned Government Advocate appearing for the respondents 1, 2 & 4 would submit that the petitioner is seeking for remedy based on the order dated 30.10.2018 passed by the Special Court in I.A. No.62 of 2011 in O.A. No.85 of 2010 for deleting the existing entry in the Encumbrance Certificate relating to Document No.4458 of 1992. As there is no appeal has been filed against the aforesaid order, the order of the Special Court has become final. Hence, the 2nd respondent may be directed to raise the attachment of the aforesaid property in the Encumbrance Certificate as per the order of the Special Court for TNPID Act, 1997.

7. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1, 2 & 4 as well as perused the materials available on record.

8. Having considered the facts and circumstances of the case and submissions made by the learned counsel for both sides, as it is only a prayer of the petitioner to delete the existing entry in the Encumbrance Certificate, this Court directs the 2nd respondent to incorporate the details of the order dated 30.10.2018 passed by the Special Judge in I.A. No.62 of 2011 in



O.A. No.85 of 2010 in the remarks column of Encumbrance Certificate relating to Document No.4458/1992 since the Special Judge has already passed the order dated 30.10.2018 relying upon the Judgment of this Court in CDJ Law Journal in "R. Sampath Kumar and Another Vs. The Inspector of Police, Economic Offence Wing-II, Vellore and another" that the attachment passed against the Sl. No.24 of the property in G.O.Ms.No.25 Home (Police XIX) Department dated 23.02.2010 is raised.

9. With the aforesaid directions, the Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Principal Secretary to Government
Government of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai -9

2 The Sub-Registrar
(in the grade of District Registrar Sub-
Registrar's Office)
No. 57, Second Street,
Kamaraj Avenue, Adyar, Chennai-20.

3. The District Revenue Officer,
Chennai -1

+1cc to Mr.G.Punniakoti, Advocate, S.R.No.51781

W.P. No.21285 of 2021

GSM(CO)
SB(06/12/2021)