



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.12788 of 2021

IN CRL.O.P.NO.14967 of 2016

HON'BLE MR.JUSTICE K.CHANDRU (RETD), [PETITIONER/5TH RESPONDENT]
COURT COMMISSIONER,

Vs

1 N.ANANTHAN [RESPONDENTS]

2 THE SUPERINTENDENT OF POLICE
GUDALUR, NILGIRIS.

3 THE INSPECTOR OF POLICE
GUDALUR, NILGIRIS.

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

5 THE DISTRICT COLLECTOR
MADURAI

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To permit the Court Commissioner to sell the properth at a reasonable price and also by way of direct negotiation with any intending purchaser. An order is prayed for accordingly.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of HON'BLE MR.JUSTICE K.CHANDRU, (RETD.), COURT COMMISSIONER, for the petitioner and of M/S.D.VIVEKANANDAN, Advocate on behalf of the 1st Respondent, and of M/S.R.MUNIYAPPARAJ, Additional Public Prosecutor, on behalf of the 2nd, 3rd & 5th



Respondent, and of M/S.P.V.RAVICHANDRAN Advocate on behalf of the 4th Respondent, the court made the following order:-

This criminal miscellaneous petition has been filed by Justice K. Chandru (Retd.), Court Commissioner, seeking permission to sell the Thiruvannamiyur flat bearing No. H 93/T1, TNHB, 67th Street, Valmiki Nagar, Thiruvannamiyur, Chennai 600 041, at a reasonable price, by way of direct negotiation.

2 In the instant petition, it has been *inter alia* stated as under:

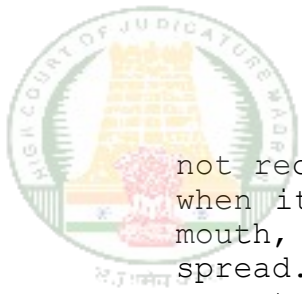
1. Pursuant to the direction, steps were taken to advertise for the sale of the property by giving advertisement in a local newspaper (Adyar Times dt.14.2.2021) and the upset price was fixed as Rs.45 lakhs. **(Annexure 1)**

2. Pursuant to the advertisement, seven people submitted their bids, the highest being Rs.52 Lakhs by one S.Ramesh. Thereafter a limited auction was arranged on 15.3.2021 among the highest bidders. Four bidders participated and among them the highest bid was given by one Dhamodharan Venkatachalam who quoted a sum of Rs.58 lakhs. He was given a provisional allotment letter dt. 15.3.2021 with a direction to deposit the entire amount within four weeks. Since the amount was not deposited on or before 14.4.2021, the allotment made in his favour was cancelled vide Proceedings No.11/2021 dt. 19.4.2021. **(Annexure 2)**

3. Thereafter the persons who had quoted the next higher amounts were invited for a limited auction. In that auction which was held on 24.4.2021, one Sundaram Vasudevan quoted a sum of Rs.52.50 lakhs as the bid amount and accordingly a provisional allotment was given to him with a direction to deposit 50% of the sale consideration within two weeks. However, the said person informed by his mail dt. 14.6.2021 that he was unable to raise any bank loan. Therefore, the provisional allotment made in his favour was cancelled by Proceedings No.14/2021 dt. 22.6.2021. **(Annexure 3)**

4. Once again, an advertisement for selling the property was given in the newspapers Dinamani and New Indian Express dt. 26.6.2021. In that advertisement, the upset price was fixed as Rs.51.70 lakhs as per the valuation done by the Tamil Nadu Registration Dept. **(Annexure 4)**

5. It must be noted that the building is already two decades old and there is a market resistance in buying such a property. The Court Commissioner also did



not receive any bids within the time frame fixed by him when it was advertised for the second time. By word of mouth, the availability of the flat for sale was spread. Even then there were no intending purchasers except that some of the persons who were interested were seeking for the reduction of the upset price of Rs.51.70 lakhs. It is under these circumstances, the present petition is filed seeking for the permission of the Court to remove the criteria of fixing an upset price and also for selling the property for a reasonable price through direct negotiation with any intending purchaser."

3 In response to this, Mr. M.K. Kabir, Senior Advocate-cum-Court appointed guardian of Manoj Rajan has, in paragraph 6 of his interim report no.16 dated 08.12.2021, stated as under:

"6. The Hon'ble Court Commissioner has filed a petition dated 29.11.2021 seeking permission of this Hon'ble Court for removing the criteria of fixing the upset price and also for selling the property for a reasonable price through direct negotiation with any intending purchaser. The upset price of Rs.51,70,000/- fixed has to be reduced, as the persons, interested in purchasing the apartment have expressed that the value fixed is high. Therefore, the Hon'ble Court Commissioner may be permitted to sell the said Apartment at a reasonable price by way of direct negotiation with the intending purchaser."

4 There appears to be justification in the request of the Court Commissioner, inasmuch as, owing to market resistance, buyers are not coming forward to pay even the upset price for the flat which is an old one located in the third floor of the building, that too, sans lift facility.

In view of the above, this criminal miscellaneous petition is allowed and the Court Commissioner is permitted to sell the Thiruvannamiyur flat at a reasonable price by way of direct negotiation with any intending purchaser and submit a report to this Court.

-sd/-

08/12/2021

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.



- 1 HON'BLE MR. JUSTICE K. CHANDRU (RETD.)
NO.4-B, KANCHANA
78, ST.MARYS ROAD
ABIRAMAPURAM
CHENNAI - 18
- 2 THE ADVOCATE GENERAL
MADRAS HIGH COURT
CHENNAI 600 104
- 3 MR. M.K. KABIR
SENIOR ADVOCATE
NO.80, LAW CHAMBERS
HIGH COURT CAMPUS
CHENNAI 600 104
- 4 MR. N. VIJAYARAGHAVAN
ADVOCATE
NO.3, I STREET
NORTH GOPALAPURAM
CHENNAI 600 086
- 5 MR. JEEVANANDAM
DEPUTY COMMISSIONER OF POLICE
CB-CID
CHENNAI
- 6 MRS.R.RAJKUMARI
EXECUTIVE DIRECTOR,
M/S. M.S. CHELLAMUTHU TRUST & RESEARCH FOUNDATION,
NO.643, K.K.NAGAR,
MADURAI
PH: 96299 11343.
- 7 THE BRANCH MANAGER
CANARA BANK
THALLAKULAM BRANCH
MADURAI-625 002.
- 8 THE BRANCH MANAGER
CANARA BANK
KASTURBA NAGAR BRANCH
ADYAR, CHENNAI 600 020
- 9 THE DISTRICT COLLECTOR
MADURAI



10 THE CHIEF COMMISSIONER OF INCOME TAX
MADURAI CIRCLE
BIBIKULAM
MADURAI 625 002

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11 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT
CHENNAI-600 104.

12 MR. T.R. SENTHIL KUMAR
STANDING COUNSEL FOR
INCOME TAX DEPARTMENT
27, LAWYERS' CHAMBERS
HIGH COURT BUILDING
CHENNAI 600 104

13 MR. ABRAHAM MATHEW
"AJIT VILLA"
PLOT NO.656, BRAHMAN WADI
PIPE ROAD, KURLA WEST
MUMBAI 400 070

14 MRS. ANNAMA FERNANDEZ
61 CHURCH STREET
OPP. PHOENIX MALL, OFF L.B.S. MARG
KURLA - KAMANI
MUMBAI 400 070

15 MRS. SARAH PINTO
C/18, I FLOOR, EBENEZER CHS LTD.
OPP. FISH MARKET, OPP. ASHOK NAGAR
MULUND WEST
MUMBAI 400 080

16 MR. DILIP S. SAWANT (SECRETARY)
MUKTANAND CHS LTD.
HALL ROAD, HALAV POOL
KARTIKA SCHOL ROAD
KURLA WEST
MUMBAI 400 070

17 MR. PHILIP VARGHESE - EXECUTOR
61 CHURCH STREET
OPP. PHOENIX MALL, OFF L.B.S. MARG
KURLA - KAMANI
MUMBAI 400 070



WEB C

18 THE REGIONAL PROVIDENT FUND COMMISSIONER
R-40A, TNHB OFFICE COMPLEX
MOGAPPAIR ROAD
MOGAPPAIR (EAST)
CHENNAI 600 037

19 THE SUPERINTENDENT OF POLICE
GUDALUR, NILGIRIS.

20 THE INSPECTOR OF POLICE
GUDALUR, NILGIRIS

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

C.C. to HON'BLE MR.JUSTICE K.CHANDR, (RETD.), COURT
COMMISSIONER, Advocate on payment of necessary charges

Order

in
CRL MP.12788/2021
in
CRL OP.14967/2016

Date :08/12/2021

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TA-15/12/2021