



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.13968 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 transfer the standing amount in the savings bank account in the name of Justice K Chandru, Court Commissioner, Account No.1153197000000016, Karur Vysya Bank, Chennai Main Branch to the account of Manoj Rajan 0942101018179, Canara Bank, Kasturiba Nagar Branch, Adyar, Chennai-600 020 and to close the savings bank account, an order is prayed for in terms of para 20(a) (b) and (c) as above and thus render justice.



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, with the following prayers:

a. To permit the Court Commissioner to sell the property at Flat No.1 in the third floor of the building in Block No.H.93, I Seaward Road, Valmiki Nagar, Thiruvanniyur, Chennai 600 041 covered by sale deed no.4040 dated 24.05.2007 in favour of V. Vinodhkumar, S/o K. Vijayakumar residing at 53/44, IV Street, Alagiri Nagar, Bhagya Apartments, Vadapalani, Chennai 600 026, either purchased by himself or through his power of attorney K. Vijayakumar as and when he pays Rs.43 lakhs 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 and hand over the keys to the flat.

b. To modify the order dated 02.09.2016, more particularly para 35(4)(c) and permit the Joint-I Sub Registrar, Chennai South or any other jurisdictional officer to register the sale of the property covered by Document No.4040 of 2007 and also to carry out appropriate entries in the encumbrance certificate.

c. To permit the Court Commissioner to transfer the standing amount in the Savings Bank A/c in the name of Justice K. Chandru, Court Commissioner, A/c No.1153197000000016, Karur Vysya Bank, Chennai Main Branch, to the account of Manoj Rajan 0942101018179, Canara Bank, Kasturiba Nagar, Branch, Adyar, Chennai 600 020 and to close the Savings Bank A/c."

2 This Court, by order dated 08.12.2021 in CrI.M.P. No.12788 of 2021 in CrI.O.P.No.14967 of 2016, had permitted the Court Commissioner to sell the Thiruvanniyur flat of Manoj Rajan at a reasonable price by way of direct negotiation with an intending purchaser and submit a report to this Court.



3 Accordingly, the Court Commissioner, in consultation with Mr. M.K.Kabir, learned Senior Advocate-cum-Court appointed guardian of Manoj Rajan, has identified an intending purchaser by name V.Vinodhkumar, S/o K.Vijayakumar, who has offered to purchase the flat for a sum of Rs.48 lakhs. To show his *bona fides*, V.Vinodhkumar has also transferred a sum of Rs.5 lakhs to the S.B. A/c of the Court Commissioner on 15.12.2021. Therefore, the Court Commissioner has filed the present petition with the above three prayers.

4 Mr. Kabir has filed an interim report no.17 dated 20.12.2021, wherein, he has stated that the price of Rs.48 lakhs that has been offered by the intending purchaser, viz., V.Vinodhkumar, is a reasonable one and that the same can be accepted.

5 This Court is aware of the fact that the Court Commissioner had earlier made several attempts to bring the property to sale, but, in vain, the reasons being, there were several impediments for the sale of the flat, inasmuch as, it is 23 years old and located in the third floor, that too, sans lift facility. It is also an admitted fact that during the COVID-19 pandemic, there were no takers for the flat for the sum of Rs.51,69,817/-, being the value fixed by the Registration Department and further, in view of the fact that the flat in question is involved in the present litigation, commercial banks were also not coming forward to advance loan to intending purchasers enabling them to buy the flat.

6 Therefore, the prayers in this criminal miscellaneous petition deserve to be allowed and accordingly, this Court permits the Court Commissioner to sell the flat in Block No.H.93, I Seaward Road, Valmiki Nagar, Thiruvanmiyur, Chennai 600 041, covered by sale deed no.4040 dated 24.05.2007 in favour of V.Vinodhkumar, S/o K.Vijayakumar, either purchased by himself or through his power of attorney, K.Vijayakumar, on remitting the balance sum of Rs.43 lakhs. The sale deed may be executed by Mr. Kabir and the possession, keys and original documents of the flat be handed over to V.Vinodhkumar, S/o K. Vijayakumar.

7 Further, this Court recalls the order of interim injunction issued in paragraph no.35(4)(c) of the order dated 02.08.2016 (which has been extracted in the opening paragraph of the subsequent order dated 02.09.2016) passed in Crl.O.P.No.14967 of 2016 and permits the Joint I Sub Registrar, Chennai South or any other jurisdictional Registrar, to register the sale of the property covered by document no.4040 of 2007, executed and presented by Mr. M.K. Kabir, Court appointed guardian of Manoj Rajan and also to carry out appropriate entries in the encumbrance certificate.

8 On such registration, the Court Commissioner shall transfer the amount lying in A/c No.1153197000000016, Karur Vysya Bank,



Chennai Main Branch, to the S.B. account of Manoj Rajan 0942101018179, Canara Bank, Kasturiba Nagar, Branch, Adyar, Chennai 600 020 and close the former Savings Bank A/c in Karur Vysya Bank.

This criminal miscellaneous petition stands ordered on the above terms.

-sd/-

22/12/2021

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.

TO

- 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.



WEB COPY

- 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
- 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



WEB C

- 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
- 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.
- 22 THE JOINT I SUB REGISTRAR
CHENNAI SOUTH

Copy To:

The Branch Manager,
Karur Vysya Bank,
Chennai Main Branch.
(Ref: Hon'ble Mr. Justice K.Chandru (Retd.)
Court Commissioner
A/c No.1153197000000016)

The Branch Manager,
Canara Bank, Kasturiba Nagar Branch,
Adyar, Chennai 600 020
Ref: M/S.Manoj Rajan (0942101018179)



C.C. to HON'BLE MR.JUSTICE K.CHANDRU, (RETD.), COURT
COMMISSIONER

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Order

in
CRL MP.13968/2021
in
CRL OP.14967/2016

Date :22/12/2021

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TA-29/12/2021