



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

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C.M.A(MD) No.744 of 2020

and

CMP(MD) .No.7495 of 2020

G.Sheik Mohideen ... Appellant/ 1st Petitioner/
Respondent

vs.

1. The Competent Authority,
The District Revenue Officer,
Madurai District, Madurai. ... 1st Respondent/Respondent/
Applicant
2. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Madurai District, Madurai. ... 2nd Respondent/Proposed
Impleading Petitioner
3. G.Ghouse Sardhar Hussain
4. Shanu Sheik
5. Ghouse Yacoob Hussain
6. S.Banu ... Respondents 3 to 6/
Petitioners 2 to 5/
Respondents 2 to 5

Prayer: Appeal filed under Section 11 of the TANPID Act, 1997, to set aside the order dated 26.11.2020 made in I.A.No.61 of 2013 in O.S.No.23 of 2012 on the file of the Special Court under T.N.P.I.D. Act, Madurai.

For Appellant : Mr.R.Meenakshi Sundaram

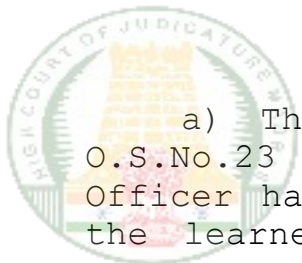
For R1 and R2 : Mr.J.Gunaseelan Muthiah
Additional Govt. Pleader

J U D G M E N T

This appeal has been filed against the order dated 26.11.2020 made in I.A.No.61 of 2013 in O.S.No.23 of 2012, on the file of the Special Court under T.N.P.I.D. Act, Madurai.

2. The facts which led to filing of this appeal is as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>



a) The appellant is the first respondent in the suit in O.S.No.23 of 2012. The competent Authority and District Revenue Officer has filed I.A.No.61 of 2013 in O.S.No.23 of 2012, before the learned Special Judge, under the Tamil Nadu Protection of Interest of Depositors Act, 1997 (for short "TNPID Act"), Madurai.

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b) It appears that the appellant has floated a company by name PMC Mercantile Private Limited, got it registered with Registrar and Companies, Chennai on 11.04.2007 and also commenced it's sister concern namely Paramount Marketing Corporation. During the period from 2006 to 2010, the appellant and others have announced five delusive schemes in the name of selling of Thirukural books, with alluring offers of staggering high rate of interest. In the result of which, more than 45,501 gullible depositors from all over the State have invested their hard earned money.

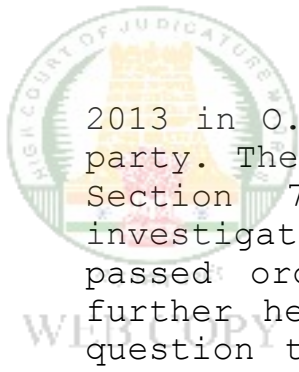
c) Since, the appellant and others had committed default in the matter of refund of the deposits, on the complaint of one Deivendran, an FIR in crime No.28 of 2010 was registered by the Inspector of Police, Central Crime Branch, Madurai City, on 06.05.2010, for the alleged offences under Sections 420,406 and 120(b) of IPC and the section 5 of the TNPID Act, 1997.

d) During the pendency of this case, in order to protect the interest of the depositors, the Government issued G.O.Ms.No.817, Home (Police XIX) Department, dated 19.10.2012, passing ad-interim orders of attachment of the properties belonging to the appellant herein and other respondents in the suit.

e) In pursuance of the above G.O., the 1st respondent/applicant filed a suit in O.S.No.23 of 2012, for causing the ad-interim orders of attachment of properties of the appellant herein and others, to be made absolute.

3. Thereafter, during the pendency of the suit, the 1st respondent/applicant has filed an interlocutory application in I.A.No.61 of 2013 in O.S.No.23 of 2012, under Order 1 Rule 10(2) and Section 151 CPC, on the file of the Special Court under TNPID Act, Madurai, to implead the proposed Deputy Superintendent of Police, E.O.W-II, Madurai District as a necessary party and the same was dismissed on 26.11.2012. Challenging the said order, the present revision petition has been filed by the appellant/respondent.

4. It is seen from the records that some of the letters and documents sent for the proposal for passing the Government Order in G.O.Ms.No.817 (supra), were sent by the Deputy Superintendent of Police, E.O.W-II, Madurai District and hence, the I.A.No.61 of



2013 in O.S.No.23 of 2012 was filed to implead him as a necessary party. The learned Special Judge under TNPID Act, held that as per Section 7(6) of the TNPID Act, the Special Court after investigation and after hearing objections of the parties has passed orders making the order of attachment absolute. It is further held that while deciding the impleading application, the question to be decided is whether the main suit in O.S.No.23 of 2012, can be disposed of without the presence of the proposed respondent or not. As per the provisions of TNPID Act, the Court has to hear the objections of the owner of the properties and persons interested in the property and to pass orders. Hence, the learned Special Judge arrived at the conclusion that to decide the issue in O.S.No.23 of 2012, the presence of proposed respondent/Deputy Superintendent of Police, is not necessary and I do not find any reason to interfere with the same.

5. In my opinion, such petitions are filed only to prolong the proceedings. The suit is of the year 2012. Accordingly, this **Civil Miscellaneous Appeal is dismissed** with a direction to the learned Judge, Special Court, to dispose of O.S.No.23 of 2012, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected civil miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

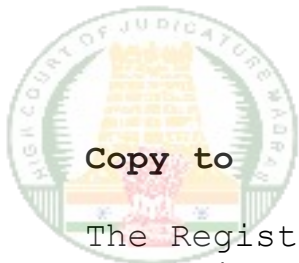
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Sub Assistant Registrar(CS)

To

1. The Special Judge for the TNPID Act,
Madurai.
2. The District Revenue Officer,
Madurai District, Madurai.
3. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Madurai District, Madurai.



Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

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+1 CC to SGP (SR-952[F] dated 18/01/2021)

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