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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.12.2021
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.20638 of 2021 and
W.M.P. (MD)Nos.17263 to 17265 of 2021

S.Raveendran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai - 625 009.
2. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Nagercoil,
Kanyakumari District.
3. The District Revenue Officer,
District Collectorate,
Nagercoil,
Kanyakumari District.
4. The District Registrar,
District Registrar Office,
Marthandam, Nagercoil,
Kanyakumari District.
5. The Sub Registrar,
Palukal Registrar Office,
Palukal, Nagercoil,
Kanyakumari District.

6. Bhasikumaran Nair
(R-6 is impleaded vide Order dated
07.12.2021 in W.M.P.(MD)No.18297 of
2021)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned attachment letter in C4/37134/2017 dated 27.11.2019 passed by the third respondent and quash the same as illegal and consequently direct respondents 4 and 5 to withdraw the entries made under 1-Book 40/2019 regarding the properties of defaulted financial institution of M/s.Nirmal Krishna Nidhi Ltd., Mathampalai under TNPID Act.



For Petitioner : Mr.K.K.Vijayan
For R-1 to R-5 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

For R-6 : Mr.S.C.Herold Singh

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O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the official respondents and the learned counsel appearing for the sixth respondent.

2. The petitioner was one of the promoters of M/s.Nirmal Krishna Nidhi Ltd. The said financial establishment committed default leading to registration of Crime No.1 of 2017 on the file of the Economic Offences Wing, Nagercoil, Kanyakumari District. The case was investigated and the charge sheet was also filed. Cognizance of the offences has been taken in C.C.No.6 of 2019 on the file of the Special Court under TNPID Act Cases, Madurai.

3. The financial establishment has a number of valuable properties. This Court on an earlier occasion directed the Special Court to bring those properties to sale so that the auction proceeds can be deployed for paying the beneficiaries atleast on a pro-rata basis. While so, on account of the impugned communication issued by the District Revenue Officer, Nagercoil, to the jurisdictional Sub Registrars, there appears to be an ostensible cloud on title.

4. The petitioner's counsel would state that it is discouraging the prospective participants in the auction proceedings. After hearing the learned counsel on either side, vide Order dated 31.07.2018 in CrI.O.P.(MD)No.8060 of 2018 etc., I had passed certain directions for auctioning and alienating the properties of the financial establishments. As per the direction, the petitioner herein has to execute the sale deeds. Since on account of the impugned communication issued by the third respondent, there can be difficulty in registering the document, I direct that any sale deed presented by the petitioner and accompanied by a certificate from the jurisdictional Special Court will be registered by the jurisdictional Sub Registrar. In other words, the jurisdictional Special Court will take the call and will confirm the same in favour of the highest bidder. It will then issue certificate authorising the petitioner to execute the sale deed in respect of the auction property in favour of the highest bidder. On presentation of the sale deed and certificate from the jurisdictional Special Court in original, the Sub Registrar will



execute the document subject to the fulfillment of the other formalities. In other words, when once the certificate of the Special Court is produced, the impugned communication will not come in the way of any such registration.

5. Whatever has been directed by this order with regard to sale deed executed pursuant to the auction sale will have to be observed in the case of other transactions also. In other words, any document that is accompanied by a certificate from the jurisdictional Special Court will be registered by the jurisdictional Sub Registrar without reference to the impugned communication issued by the third respondent.

6. The jurisdictional Special Court will of course issue certificate mentioned above only after due deliberation. The discretion vested in the Special Court is not fettered in any manner.

7. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Secretary to Government,
Home (Police) Department,
Fort St. George, Chennai - 625 009.
2. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Nagercoil, Kanyakumari District.
3. The District Revenue Officer,
District Collectorate,
Nagercoil, Kanyakumari District.



4. The District Registrar,
District Registrar Office,
Marthandam, Nagercoil,
Kanyakumari District.

5. The Sub Registrar,
Palukal Registrar Office,
Palukal, Nagercoil, Kanyakumari District.

COPY TO:

The Judge,
Special Court under TNPID Act Cases, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-37707[F] dated
08/12/2021)

+2 CC to M/s.K.K.VIJAYAN, Advocate (SR-37788[F] dated 08/12/2021)

W.P.(MD)No. 20638 of 2021
07.12.2021

MK/17.12.2021/4P/10C