



Writ Petition No.21293 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/10/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.21293 of 2015

a n d

M.P.No.1 of 2015

P.Pugazhendhi

...

Petitioner

Vs

1. The District Collector
Kancheepuram.
2. The District Revenue Officer
Kancheepuram District.
3. The Revenue Divisional Officer
Tambaram.
4. The Tahsildar
Sholinganallur
Kancheepuram District.
5. G. Subramanian

...

Respondents

(R.5 impleaded vide, order dated 13/9/2022 made in
M.P.No.2 of 2015 in W.P.No.21572 of 2015 by
NSKJ)



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records relating to the impugned proceedings of third respondent in RC.No.2385/2015/B dated 8/7/2015 in respect of the property situate at Plot No.8/1 “B” Block, II Link Street, Sadasivam Nagar, Madipakkam, Chennai 600 091 and quash the same.

For Petitioner	...	Ms.AL.Ganthimathi
For respondents	...	Mr.Ramanlal Additional Advocate General Assisted by Mr.V.Baranidharan Additional Government Pleader for R.R.1 to 4. Mr.S.Diwakar for M/s.Kumar & Baskar for R.5

ORDER

This writ petition has been filed to quash the impugned proceedings, dated 8/7/2015, in RC.N.2385/2015/B passed by the third respondent, in respect of the property, situate at Plot No.8/1 “B” Block, II Link Street, Sadasivam Nagar,



Madipakkam, Chennai 600 091.

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2. Brief facts which are necessary for the disposal of the writ petition are as follows:-

The writ petitioner said to have purchased the property in dispute, vide, registered Sale Deed, dated 16/2/2009, in the office of the Sub-Registrar, Velachery. The property tax assessment has also been transferred in the name of the petitioner and he is paying the Property Tax and other charges to the statutory authorities.

3. On 8/7/2015, third respondent had issued the impugned notice, alleging that the Government under G.O.Ms.No.1405 Home (Courts) Department, dated 12/10/1998 have ordered Attachment of Flats, constructed in S.Nos.69/23 and 69/24 of Madipakkam Village, Saidapet Taluk, Kancheepuram District, for re-conveyance of default in return of deposit by New India Finance and Investments, Chennai. According to the petitioner, before filing of the writ petition only, he came to know that property has been attached in the year 1980



itself and hence, he seeks to quash the impugned notice.

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4. Heard Ms.AL.Ganthimathi, learned counsel for the petitioner, Mr.Ramanlal, learned Additional Advocate General for the respondents 1 to 4 and Mr.S.Diwakar, learned counsel for the fifth respondent.

5. The learned Additional Advocate General submitted that properties have been attached under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997, in the year 1998 itself. After attachment, property has been transferred. Vendor of the petitioners through Power Agent filed I.A., before the Court of Special Judge under TNPID Act, 1997. Vide, order, dated 3/7/2002, learned Special Judge, dismissed the application. Therefore, attachment was made absolute, by an order of this Court, dated 25/5/2000. The competent authority has decided to sell the property in public auction and therefore, notice has been issued. Hence, the same cannot be questioned by the writ petitioner.

6. The learned counsel appearing for the petitioner submitted that the



petitioner is willing to deposit the amount before the competent authority, so that the matter could be disposed of.

7. Considering the submission made by the learned counsel appearing for the petitioner, this Court is of the view that if the entire amount due is payable by all the writ petitioner, competent authority can distribute the amount with the sanction of the Special Court with reasonable interest. Though the offence is punishable, the main object is to realise the amount, distribute the same to the depositors, who lost the money.

8. In such a view of the matter, petitioner is directed to file an affidavit of undertaking before the competent authority, within a period of fifteen days, from today. Thereafter, the competent authority/fourth respondent shall take steps to distribute the amount with the sanction of the Court and also make steps to compound the offence, as per Section 5 A of the said Act.

9. In the event, if the writ petitioner has failed to pay the amount, as



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agreed before the competent authority, by way of an affidavit, it is well open to the competent authority to proceed further, as per law. If the amount is deposited and the entire amount is realised and distributed, then the writ petitioner may seek for raising the attachment before the appropriate Court by filing an appropriate application. The said exercise shall be completed, within a period of two months, from the date of filing of the application.

10. With the above direction, these writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.



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