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C.M.A.Nos.1981 of 2013 and 2400 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.Nos.1981 of 2013 and 2400 of 2017
and C.M.P.No.12982 of 2017

1.R.C.Mehtha @ Richard Chand Mehtha

2. Ajay Mehta

3. Anitha Mehta

4. Pramila Mehta

...Appellant in C.M.A.No.1981 of 2013

1. Ajay Mehta

2. Anitha Mehta

...Appellant in C.M.A.No.2400 of 2017

Vs.

1. Deputy Superintendent of Police,
Economic Offences Wing II,
Vellore – 9 in
Vellore E.O.W. II Crime No.3/2007,
u/s.120(b) 406, 420, 421 r/w 109 IPC and
Section 5 TNPID Act 1997.

2. The Association for the
Protection of Interest of Depositors/
Investors, Vellore,
Represented by Secretary,
P.K.Ravindranath.

3. T.S.Kannaiyan

4. K.Vinoth Kumar

...Respondents in C.M.A.No.1981 of 2013

1/6



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1. The Competent Authority,
District Revenue Officer,
Vellore, Vellore District.
2. Deputy Superintendent of Police,
Economic Offences Wing II,
Vellore – 9,
Vellore E.O.W. II Cr. No.3/2007.
3. T.S.Kannaiyan
4. K.Vinoth Kumar
5. R.C.Mehta @ Richpal Chand Mehta
6. Pramila Mehta
7. The Association for the Protection
of Interest of Depositors/Investors
in Financial Institutions ...Respondents in C.M.A.No.2400 of 2017

Prayer in M.C.O.P.No.1981 of 2013: The Civil Miscellaneous Appeal filed u/s.11 of Tamil Nadu Protection of Interests of Depositors in Financial Establishments Act, 1997 seeking to set aside the fair order and decretal order of the learned Special Judge TNPID Act dated 3.5.2013 in O.A.No.56 of 2008 attaching the petition mentioned 'A' and 'B' Schedule properties under Section 8 of TANPID Act, 1997.

Prayer in M.C.O.P.No.2400 of 2017: The Civil Miscellaneous Appeal filed u/s.11 of Tamil Nadu Protection of Interests of Depositors in Financial Establishments Act, 1997 seeking to set aside the fair and decretal order in O.A.No.17 of 2013 dated 29.06.2017 passed by the learned Special Judge under TANPID Act 1997, Chennai with regard to the property mentioned in Schedule 'A' of the Decreetal order.



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M.C.O.P.No.1981 of 2013

For Appellants : Mr.G.Kalyan Jabhak for
M/s.Surana and Surana
For R1 : Dr.S.Suriya, AGP (C.S)
For R2 : Not ready in Notice
For R3 and R4 : No appearance

M.C.O.P.No.2400 of 2017

For Appellants : Mr.G.Kalyan Jabhak
For R1 and R2 : Dr.S.Suriya, AGP (C.S)
For R3 to R6 : No appearance
For R7 : Died (Steps taken)

COMMON JUDGMENT

Since the issue involved in the present case are one and the same they are disposed of by way of this common order.

2. It is the case of the appellants that the District Revenue Officer and the Deputy Superintendent of Police, Economic Offences Wing II, has filed a petition in O.A.No.56 of 2008 under section 8 of TNPID Act, 1997 to pass an order of attachment in respect of the properties owned by the appellants, however, the same was allowed vide order dated 03.05.2013. Seeking to sell



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the said properties by public auction, the District Revenue Officer has filed another petition in O.A.No.17 of 2013, however, the same was also allowed vide order dated 29.06.2017. Challenging the orders dated 03.05.2013 and 29.06.2017 the present appeals have been filed by the respective appellants.

3. The learned counsel for the appellants during the course of arguments on instructions submit that in respect of the properties in question, a criminal case is pending against the appellants and others. Hence, they prayed to grant liberty to the appellants to canvass all their grievances where the criminal case is pending against them.

4. Heard the learned Additional Government Pleader appearing for the respondents 1 and 2 in C.M.A.No.2400 of 2017 and first respondent in C.M.A.No.1981 of 2013 and perused the materials placed on record.

5. Though the notice was served on respondents 3 and 4 in C.M.A.No.1981 of 2013 and respondents 3 to 5 in C.M.A.No.2400 of 201, no one appeared on their behalf. Considering the period of pendency of the



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appeals, they are disposed of based on the materials placed on record.

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6. Though the appellants have filed the present appeals seeking to set aside the orders dated 29.06.2017 and 03.05.2013, however, considering the submission made by the learned counsel for the appellants, this Court without going into the merits of the case, grants liberty to the appellants, to canvass all their grievances where the criminal case is pending.

7. With the above observation, without interfering the impugned order these appeals are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.10.2023

Speaking Order / Non Speaking Order : Yes/No

Index : Yes/No

NCC : Yes/No

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M.DHANDAPANI,J

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To

1. Deputy Superintendent of Police,
Economic Offences Wing II,
Vellore – 9 in
Vellore E.O.W. II Crime No.3/2007,
u/s.120(b) 406, 420, 421 r/w 109 IPC and
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District Revenue Officer,
Vellore, Vellore District.
Represented by Secretary,
P.K.Ravindranath.
4. The Section Officer, VR Section, Madras High Court.

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