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W.P.No.33297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.33297 of 2023

M/s. Chennai Metro Rail Limited,
Rep. By its Managing Director,
Chennai Metro Rail Limited,
METROS No.327, Anna Salai,
Nandanam, Chennai – 600 035.
Petitioner

...

Vs.

1. Deputy Superintendent of Police,
Economic Offences Wing,
Ashok Nagar, Chennai – 600 083.

2. M/s. KFJ Gold and Diamond Pct Ltd,
Shop No.36, No.180,
TNHB Complex, Luz Road,
Mylapore, Chennai – 600 004.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue Writ of Certiorarified mandamus to call for the records relating to the proceedings in Letter dated 10.11.2023 on the file of the 1st Respondent and quash the same and consequently direct the 1st Respondent to unseal and unlock the premises in land comprised in Block No.38, T.S.No.1833/1 in Chennai District, Mylapore Taluk, Mylapore Taluk, Mylapore (Part-I) Village.



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W.P.No.33297 of 2023

For Petitioner : Mr.P.S.Raman (Senior Counsel)
For M/s. Rita Chandrasekar

For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petitioner is a Chennai Metro Rail Limited seeking direction to the first respondent to unseal and unlock the premises in land comprised in Blozk No.38, T.S.No.1833/1 in Chennai District, Mylapore Taluk, Mylaport (Part-I) Village.

2. Short point is that, the above piece of land is owned by Chennai Corporation. Upon the superstructural building on the land, M/s. KFJ Gold and Diamond Pvt. Ltd., was running its business. Later, the said M/s. KFJ Gold and Diamond Pvt.Ltd., defaulted to its investors and the matter was seized of by the Police in Crime No.7 of 2019 for the offence under Sections 409, 420 and 120(B) of IPC and Section 5 of TN Protection of Interest of Depositors (In Financial Establishment) Act, 1997.



W.P.No.33297 of 2023

WEB COPY

3. The issue is that the said land is required for CMRL and the same has been acquired for the said public purpose. The compensation amount for the land already been deposited. Regarding the superstructure, value been ascertained. However, CMRL unable to deposit the money in view of the doubt over the ownership of superstructure. Hence, premises been locked and taken possession by the Investigation Agency. They are not in a position to demolish the superstructure and proceeded with the project.

4. The learned Government Advocate (Crl. Side) sates that, matter has been brought to the notice of the Special Court, TNPID Cases, Chennai and as per the order passed by the Special Court, which has seized of the issue, appropriate action will be taken by the Police.

5. Since the matter involves public utility project, without delay, the issue has to be decided. Therefore, following direction is given to the trial Court.

1. The petitioner herein shall move a petition before the Special Court, TNPID Cases, Chennai and seek for appropriate



W.P.No.33297 of 2023

orders regarding permission to take possession of the property and demolish the superstructure and proceed further.

2. The Special Court shall pass appropriate orders regarding the deposit of value of the superstructure after considering the view of the Investigations Officer.

3. The Investigation Officer shall before handing over the possession of the building, shall take inventory of the movables available in the building and act as per the order passed by the Special Court.

4. With the above observations, this Writ Petition is disposed of.

27.11.2023

Index : Yes/No
Neutral Citation : Yes/No
Sma

To

1. Special Court, TNPID Cases, Chennai

2. Deputy Superintendent of Police,
Economic Offences Wing,
Ashok Nagar, Chennai – 600 083.

3. The Public Prosecutor,
High Court of Madras,

<https://www.mhc.tn.gov.in/judis>



Chennai.

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W.P.No.33297 of 2023

Dr.G.JAYACHANDRAN,J.

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W.P.No.33297 of 2023

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