



C.M.A.(MD)No.780 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD)No.780 of 2021

and

C.M.P(MD)No.7198 of 2021

1.G.Sheik Mohideen

2.S.Ghouse Sardhar Hussain

...Appellants/Respondents 1&2

Vs.

1.The Competent Authority,
District Revenue Officer,
Madurai District.

...1st Respondent/Appellant

2.Shanu Sheik

3.S.Ghouse Yacoob Hussain

4.S.Banu

...Respondents 2to4/
Respondents 3 to 5

5.S.John Basha

6.A.Shabina

7.A.Abdul Rahim

8.S.Basira

9.Mehar Banu

10.S.R.Sharfudeen

11.Shabiya Begum

12.Anarkali

13.R.Wahitha Banu

14.S.Jamila Begum

(R5 to R14 are impleaded vide Court

order dated 30.03.2022 in C.M.P(MD)No.8903 of 2021)

1/6



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PRAYER: This Civil Miscellaneous Appeal is filed under Section 11 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act, against the order dated 27.07.2021 passed in O.A.No.23 of 2012 by the learned Special Judge under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act cases, Madurai.

For Appellants : Mr.D.Shanmugaraja Sethupathi

For R1 : Mr.D.Sasikumar
Additional Government Pleader

For R2 to R4 : Mr.S.Balamurugan

For R5 to R14 : Mrs.P.Yasmin Begum

JUDGMENT

This appeal is filed against the order dated 27.07.2021 passed in O.A.No.23 of 2012 by the learned Special Judge under Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act cases, Madurai..

2.Pursuant to the order of this Court dated 13.04.2023, the District Revenue Officer/Competent Authority, Madurai, is present before this Court today along with the Investigation Officer.

3.The learned counsel appearing for the appellants would submit that the first item shown in the list of immovable properties in G.O.Ms.No.817, Home



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dated 19.10.2012, consisting of 5824 sq.ft., in TS.Nos.882 and 894, will be sold more than Rs.8 crores, whereas, the Government fixed the upset price of Rs.3,90,84,740/-.

4.The contention of the learned counsel appearing for the appellants is that if the private negotiation is permitted, the same property, which has been valued by the Government to the tune of Rs.3,90,84,740/-, will fetch more than Rs.8 crores. Hence, the learned counsel seeks a direction of this Court to sell the particular property through private negotiation and deposit the entire sale consideration before the trial Court.

5.According to the learned counsel for the appellants, the appellants also filed an application in this regard before the trial Court under Section 9 of the TNPID Act and the same has also been withdrawn from the trial Court. Further, the learned counsel contended that if the appellants are permitted to file such application before the trial Court, they will pursue that application for sale of the property in a private negotiation under the supervision of the District Revenue Officer and the District Superintendent of Police, then deposit the entire amount.



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6.This Court is of the view that the Government valued the property for a sum of Rs.3,90,84,740/-, whereas, now the appellants come before this Court that the value of the property will be more than Rs.8 crores and the third party purchasers are also ready to purchase the property for more than Rs.8 crores.

7.In such view of the matter, in order to protect the interest of the depositors, if the property fetches higher value, it will benefit of the depositors. Accordingly, the appellants are directed to file an application under Section 9 of TNPID Act, before the trial Court, after giving appropriate notice to the respondents for sale of the property for more value through private negotiation. Such sale shall be conducted under the supervision of the District Revenue Officer/Competent Officer and the District Superintendent of Police/Investigation Officer, to see that amount is realized by way of sale of particular property.

8.On such application is filed, the trial Court shall consider the same and pass appropriate orders on merits and in accordance with law, without any further delay, in order to protect the interest of the depositors for realizing the amount. It is made clear that in the event of such sale is finalized, the entire sale consideration shall be deposited before the trial Court. Such exercise for sale of



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the property shall be completed within a period of two months from the date of receipt of a copy of this judgment. The learned counsel for the de-facto complainant is also permitted to serve the copy of the judgment to the de-facto complainant to monitor the sale along with the District Revenue Officer and the District Superintendent of Police.

9. With the above directions, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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To

1. The Special Judge

under Tamil Nadu Protection of Interest of Depositors
(In Financial Establishment) Act cases,
Madurai.

2. The Section Officer,

Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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N.SATHISH KUMAR, J.

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