



C.R.P.No.788 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.788 of 2022
and C.M.P.No.3960 of 2022

S.P.Subburaman (Died)
S.Rajalakshmi

... Petitioners

-Vs-

1.Competent Authority and District
Revenue Officer, Chennai Collectorate
Chennai Collectorate, Chennai 600 001.

2.Devi Gold House
Door No.65, Purasawakkam High Road
Chennai 600 007.

3.N.M.Karunakaran

4.K.Rajendran

5.R.K.Ananthakrishnan

6.Senthil

7.Jaishankar

8.M.Ramasamy

9.T.K.Baju

10.P.Bharanidharan

11.Suriyanarayanan

12.Tmt.Rohini Kumar



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13. Amudha

14. Gopal Rao

15. K.Vadivelu

16. M/s.Central Bank of India
Regional Office, Raheja Complex
III Floor, 69, Anna Salai
Chennai 600 002.

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to issue necessary direction or orders for release or raising the order of attachment, pertaining to the immovable property referred in serial No.2 in G.O.Ms.No.554 dated 27.06.2002, in view of deposit made by the petitioner in O.A.No.6 of 2019 pending on the file of Special Judge, TNPID Court, Chennai.

For Petitioners	:	Mr.A.Prabhakaran
For Respondents	:	Ms.Amirtha Poonkodi - for R1 Ms.Hemalatha Suresh - for R6 RR 2 to 4, 6 to 15 - Not ready in notice R5 - Served, no appearance

ORDER

This Civil Revision Petition seeks for a direction that the property, which is the subject matter of serial No.2 in G.O.Ms.No.554 dated 27.06.2002 be released in view of the deposit by the petitioners in O.A.No.6 of 2019 on the file of the Special Judge, TANPID Court, Chennai.

2. The undisputed facts are, item No.2 of the property in the schedule to G.O.Ms.No.554 dated 27.06.2002 was purchased by the petitioners from the



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erstwhile owners on 09.06.2009. The erstwhile owners came within the teeth of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997. The petitioners attempted to challenge the order of attachment before this Court in W.P.Nos.8282 and 8283 of 2013. The writ petitions were unsuccessful and so were the appeals.

3. Subsequently, O.A.No.6 of 2019 was filed by the competent authority seeking permission for sale of the property. In that proceeding, the petitioners herein were respondents 16 and 17. They filed a counter stating that they be permitted to deposit the guideline value of the property and sought for release of the same. Subsequently, by consent of all, the following order was passed on 08.01.2021.

" All counsels present. Special Public Prosecutor (Civil) filed a memo informing the guideline value of the property as Rs.1340/- per sq.ft for the schedule property (Item No.2 of G.O.). Memo recorded. The learned counsel for the Bank 15th respondent present. The learned counsel for respondents 16 and 17 presend and filed a memo of undertaking, the Court that he is ready and willing to deposit a sum of Rs.25 lakhs within 30 days from today without prejudice to their contention in the counter statement. Accordingly, the 16th and 17th respondents are directed to pay Deposit of Rs.25 lakhs in the account of this case with the DRO / Competent Authority, Chennai on or before 08.02.2021. Call on 09.02.2021."



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4. Pursuant to this order, a status report was also filed by the competent authority-cum-District Revenue Officer, Chennai stating that, as per the directions of the Court, the amount had been deposited by the Civil Revision Petitioners on 09.01.2021. Thereafter, the Court had proceeded with the trial. Hence this revision.

5. Mr.A.Prabhakar, learned counsel for the petitioners would submit that having complied with the order of the Special Court dated 08.01.2021, instead of passing further orders in the same, the Special Court is proceeding with the trial in O.A.No.6 of 2019. He seeks for a direction that the Special Court be directed to release the property as they have complied with the order on 09.01.2021.

6. Ms.Amirthapoonkodi Dinakaran, learned Government Advocate appearing for first respondent would submit that the value of the property today has reached Rs.60 lakhs, which is around Rs.12,000/- per sq.ft and therefore the petitioners should be called upon to pay the balance amount of Rs.35 lakhs. Whether the petitioners are liable to pay the amount that they have already deposited or enhanced amount is for the Special Court to decide and pass order. It cannot receive the deposit pursuant to its order dated 08.01.2021 and at the same time proceed further with the matter.



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7. The learned counsel for the petitioner shall file a memo bringing forth to the notice of the Court all the events that have transpired after 08.01.2021. Needless to point out, the respondents also will have have the right to file a counter to the same. Thereafter, the Special Court shall take a call as to whether it stands by the order dated 08.01.2021 or wishes to proceed with the trial. It is made clear that only after such a call is taken, further proceedings can take place. The decision of the Special Court shall be taken within three months from the date of receipt of a copy of this order.

8. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

1. The Special Judge,
TNPID Court, Chennai.
2. Competent Authority and District
Revenue Officer, Chennai Collectorate
Chennai Collectorate, Chennai 600 001.



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V. LAKSHMINARAYANAN, J.

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