



W.A.No.487 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.487 of 2022 and

CMP No.3518 of 2022

M.Chandrasekaran

... Appellant

Vs.

1. Competent Authority and District Revenue Officer,
Erode District.

2. Competent Authority and District Revenue Officer,
Namakkal District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order of the learned Single Judge made in W.P.No.23505/2021, dated 07.01.2021.

For Appellant : Mr.G.Murugendran

For Respondents : Mr. V.Manoharan Addl.Govt.Pleader
for respondents 1 and 2

JUDGMENT



W.A.No.487 of 2022

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This intra court appeal has been filed as against the order passed by

WEB COPY

the learned Single Judge, dated 07.01.2022 in W.P.No.23505 of 2021

2. The appellant/writ petitioner has deposited a sum of Rs.1,00,000/- on 14.07.2012 in the name of M/s Kodunaadu EMU Poultry Farms Private Limited, Mohanur Main Road, Karuppanar Kovil Street, Thotak, Chinnu Nagar, Paramathivelur. The said company promoted EMU birds and country chicks in the names of the depositors, by projecting various schemes, giving attractive monthly returns and yearly bonus for the deposits made by them. The appellant also joined the scheme of the company and lost his money, like other various depositors. The cheated depositors like appellant made complaints against the company and a criminal case was registered against the accused persons, viz. the company and its directors in Crime No.2/2012 under Sections 120(B), 420 of IPC and Section 5 of the TNPID Act. Subsequently, G.O.Ms.No.157, Home (Police XIX) Department, dated 12.03.2013 was issued to attach the property of the accused. According to the appellant, the above property was not brought into auction sale and hence, he filed the above writ petition seeking direction



W.A.No.487 of 2022

to the respondents to bring the property on auction sale. The above petition was disposed of by the learned Judge as follows.

"The attached property of five acres of land available unblock in Perundurai Taluk can be used for Government purpose. The competent authority/respondents can approach the government through the concerned District Collector to find out whether Government needs such property. On exploring such possibility if lands are required, necessary steps shall be taken and proper value shall be fixed and the amount to be deposited to the credit of the bank account of the 2nd respondent and thereafter, the amount shall be paid to the depositors."

3. Challenging the above order the appellant has filed the instant writ appeal, on the ground that the statutory provision of Section 4(3) and 7(6) of TNPID Act is not followed by the learned single judge. It is further contended by the appellant that the government cannot take over the private properties unless under due process of law, like Land Acquisition Act and the state government is not paying the compensation amount to the litigants.

4. The learned Additional Government Pleader appearing for the respondents filed a status report, dated 01.07.2024 before this court, wherein, at paragraph No.6, it is stated as follows.

6. Auction was conducted again on 15.03.2023 and 12 persons participated and offered the highest bid of Rs.1,05,00,000/- only. Since bid amount was not reached the estimated/assessed present market value,



WEB COPY



W.A.No.487 of 2022

the auction could not be concluded. Hence, it was decided to conduct re-auction on 05.05.2023. On the day (05.05.2023) of re-auction, only 2 persons with DD for security deposit amount participated in the auction. Considering the very less number of bidders, the auction could not be held and it was decided to go for fresh auction.

Hence, again, it is proposed to conduct auction on 22.07.2024. After concluding the auction on 22.07.2024, final action taken report will be submitted to the court.

5. From the above, it is clear that, the respondent/competent authority has decided to bring the property on auction sale. Accordingly, the property was brought on auction sale and since the bid amount was not reached the estimated market value, the property is under the progress of re-auction.

6. Therefore, recording the above status report, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.J.) (K.B.J.)

04.07.2024

Internet: Yes/No
Index : Yes/No
mst

To

Page 4 of 6



W.A.No.487 of 2022

1. Competent Authority and District Revenue Officer,
Erode District.

WEB COPY

2. Competent Authority and District Revenue Officer,
Namakkal District.



WEB COPY



W.A.No.487 of 2022

D.KRISHNAKUMAR, J.
and
K. KUMARESH BABU, J.

mst

W.A.No.487 of 2022

04.07.2024