



C.M.A.No.3228 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3228 of 2021

and

C.M.P No.18414 of 2021

1.Sakthi Emu Farms

Door No.100, Ammu Complex

Kunnathur Road

Perundurai

Rep. by its R2 (S.Ramasamy)

2.S.Ramasamy

3.R.Samiyathal

... Appellants

..Vs..

The Competent Authority and

District Revenue Officer

Erode District, Erode.

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 11 of TNPID Act, to set aside the order dated 26.02.2021 passed in O.A No.11 of 2017 by the learned Special Judge, Special Court under TNPID Act, Coimbatore, making absolute the order of ad-interim attachment and the permission to sell the property as per G.O.Ms. No.897, Home (Police-XIX) Department dated 09.12.2016 and permitting the Competent Authority/D.R.O to sell the



C.M.A.No.3228 of 2021

properties in the said G.O in public auction and to realize the sale proceeds under Section 7(6) of TNPID Act, 1997.

For Appellants	: Mr.B.Nedunzhelian
For Respondent	: Mr.B.Tamil Nidhi Additional Government Pleader

J U D G M E N T

This appeal has been filed challenging an order dated 26.02.2021 passed by the Special Court under TNPID Act, Coimbatore.

2. Under the impugned award, the property of the third appellant who is the third respondent in O.A No.11 of 2017 has been ordered to be attached under the provisions of TNPID Act.

3. Learned counsel for the appellants contended that the depositors of Sakthi Emu Farms have been fully settled and therefore, the impugned attachment order has to be raised and this appeal will have to be allowed.



C.M.A.No.3228 of 2021

4. Learned Additional Government Pleader appearing for the respondent would submit that the settlement has not been recorded by the trial Court and the respondent are also not aware of the same.

5. Eventhough the learned counsel for the appellant would submit that the matter has been settled, no proof has been produced before this Court by way of additional documents to establish that the appellants had settled the claim which resulted in the impugned order coming to be passed by the Special Court under TNPID Act.

6. Learned Additional Government Pleader appearing for the respondent has no objection if the matter is remanded back to the trial Court namely, the Special Court under TNPID Act, Coimbatore to enable the appellants to file an appropriate application seeking for raising the order of attachment with supporting documents in support of their contention that the entire claim of the depositors have been fully settled and the trial Court is directed to consider the said application on merits and in accordance with law.



C.M.A.No.3228 of 2021

WEB COPY

7. No prejudice would be caused to both the parties, if this appeal is disposed of by remanding the matter back to the Special Court under TNPID Act, Coimbatore by permitting the appellants to file an application seeking for raising the order of attachment as per the impugned order with supporting documents to prove that the claim has been fully settled and a direction is issued to the Special Court under TNPID Act to consider the said application on merits and in accordance with law, after affording a fair hearing to the respondent within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Civil Miscellaneous Appeal is disposed of by permitting the appellants to file an application before the Special Court under the TNPID Act, Coimbatore in O.A No.11 of 2017 seeking for raising the order of attachment within a period of two weeks from the date of receipt of a copy of this judgment and on receipt of the said application, the Special Court under TNPID Act, Coimbatore in O.A No.11 of 2017 is directed to dispose of the said application, after affording a fair



C.M.A.No.3228 of 2021

hearing to the respondent within a period of four weeks thereafter.

Consequently, connected Miscellaneous Petition is closed. No costs.

01.07.2024

Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order

uma

To

1.The Special Court under TNPID Act
Coimbatore.

2.The Section Officer
V.R.Section, High Court of Madras.



WEB COPY



C.M.A.No.3228 of 2021

ABDUL QUDDHOSE, J.

uma

C.M.A.No.3228 of 2021

and

C.M.P No.18414 of 2021

01.07.2024