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C.M.A.No.3092 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A.No.3092 of 2023

and

C.M.P.No.29275 of 2023

B.Palanikumar

.. Appellant

Vs.

1.The Competent Authority and
District Revenue Officer,
Tiruppur.

2.District Revenue Officer,
Dindugal.

3.District Revenue Officer,
Coimbatore.

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 11 of the TNPID Act, 1997, praying to set aside the Fair and Decreetal order dated 07.02.2023, made in O.A.No.15 of 2013, on the file of the Special Judge, Special Court under TNPID Act, Coimbatore and to allow the above Civil Miscellaneous Appeal.



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For Appellant : Mr.C.Prabakaran

For Respondents : Mr.C.Sathish
Government Advocate

J U D G M E N T

This appeal has been filed challenging the order passed by the learned Special Judge, Special Court under TNPID Act, Coimbatore , dismissing the application filed by the appellant in O.A.No.15 of 2013 by order dated 07.02.2023.

2.When the matter came up for hearing on 03.04.2024, this Court passed the following order:

“Learned counsel for appellant primarily raised two grounds while attacking the order passed by the Special Judge, Special Court under TNPID Act, Coimbatore, dismissing the application filed by the appellant in O.A.No.15 of 2013 seeking for raising the order of attachment.

2. The first issue is on the merits of the claim wherein it was contended that the appellant had perfected her right and title over



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the subject property by virtue of a family arrangement dated 19.09.2004 and thereafter, neither Veerasamy nor Padmavathi had any right over the property. Therefore, the property ought not to have been attached.

3. The second ground that was raised by learned counsel for appellant is that Section 4(3) of the TNPID Act specifically provides that the competent authority should apply within 30 days from the date of ad interim order of attachment to make the attachment absolute. The Special Court under Section 7(6) of the Act must also pass an order within a period of 180 days from the date of receipt of the application u/s.4(3) of the Act. In the instant case, ad interim attachment order was passed on 17.10.2007, whereas the application was made to make the attachment absolute only on 09.01.2012. The Special Court had passed the order only on 07.02.2023. Therefore, it was contended that both the application for making the attachment absolute and the order passed by the Special Court is well beyond the time limit prescribed under the Act. To substantiate this submission, learned counsel relied upon the



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*judgment of this Court **R.Karuppusamy v. Competent Authority and others [2012 (4) CTC 201]**.*

4. Mr.B.Tamilnidhi, learned Additional Government Pleader, seeks for some time to make his submissions.

Post this case under the caption 'for_ orders' on 17.04.2024.”

3.When the matter was taken up for hearing today, the status report of the 1st respondent was filed and the relevant portions are extracted hereunder:

“7.I respectfully submit that this 1st respondent has filed an Application in O.A.No.27 of 2012 before the Learned Special Judge under TNPID Act, Coimbatore, seeking to make the order of interim attachment absolute. I submit that Appellant of this case intervened in the said proceedings have filed Application against the 1st respondent in O.A.No.15 of 2013 under section 7(3) of the TNPID Act before the above



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Special Court praying to raise the order of interim attachment over item No.1 and 2 mentioned in G.O.Ms.No.1469 Home (Police-XIX) Department dated 17.10.2007.

8. I respectfully submit that the Learned Special Judge, Special Court under TNPID Act, Coimbatore in O.A.No.27 of 2012 has issued a common order on 07.02.2023 as follows:-

..."In the result, an ad interim attachment order passed over the properties in Ex.PI G.O.Ms.No.1469 Home (Police-XIX)Department dated 17.10.2007 is made absolute and the Competent Authority/ District Revenue Officer, Tiruppur is permitted to sell half share in the Item No. 1 first and if the sale proceeds are not sufficient to meet out the claims of the depositors and then sell other items one by one in public auction and realize the sale proceeds under Section 7(4) and Section 7(6) of TNPID Act, 1997 and disburse the same to the depositors proportionately. Accordingly, O.A.No.27 of 2012 is allowed. The petitions in O.A.No.15 of 2013 and O.A.No.16 of 2013 are dismissed.



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9. *I respectfully submit that in the meantime one depositor Tmt.Indrani filed a Writ Petition No.11273 of 2023 before this Hon'ble Court praying to direct the Competent Authority and District Revenue Officer, Tiruppur to sell the properties by auction, disburse the sale proceeds including the available amount, to the depositors and expeditiously decide the depositors claim of interest between 2008 to 2023 in terms of order dated 07.02.2023 passed by the learned Special Judge under TNPID Act, Coimbatore in O.A.No.27 of 2012.*

10. *I submit that in the above Writ Petition this Hon'ble High Court passed an order on 25.04.2023 that*

" this court directs the respondent to disburse their amount available on hand within a period of one month from the date of receipt of copy of this order. Further, interest amount from the year 2008 to 2023 has to be calculated and paid within a period of three months from the date of receipt of copy of the order".

11. *I respectfully submit that in accordance with the order of the Learned Special Judge,*



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Coimbatore issued in O.A.No.27 of 2012, and order of this Hon'ble Court sale process was initiated to settle the amount to the depositors. In the meantime, the accused Financial Establishment had deposited a sum of Rs.25,30,000/- and it was disbursed to the depositors for principal amount on 30.05.2023 by the 1st Respondent.

12. I respectfully submit that in accordance with the order of the Hon'ble Court, interest amount has been calculated as Rs.1,05,36,900/- for the period from 2008 to Feb 2023 i.e, up to the date of order passed by the Special Court under TNPID Act, Coimbatore on 07.02.2023 after conducting enquiry with 7 depositors. They had insisted interest from deposit date. However as per the orders of Hon'ble High Court in W.P.No.11273 of 2023 dated 25.04.2023, the Competent Authority, /District Revenue Officer calculated the interest amount from 2008 to February 2023 which arrives at Rs:1,05,36,900/- (Rs. 13,27,700 + Rs.92,09,200).

13. I respectfully submit that one depositor Tmt.



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B.Indirani, filed Contempt petition No 125 of 2024 in W.P.11273 of 2023 before the Hon'ble Madras High Court for stating that Competent Authority did not pay the interest amount on the Principal and the Hon'ble Court on 05.03.2024 pronounced the following order :-

"When the matter is taken up, Mr.N.Manoharan, the learned counsel appearing, for the fourth accused requested one week time for depositing the amount. He also. requested that the District Revenue Officer, Tiruppur, maybe directed to receive the amount mentioned in Paragraph No.12 of the status report and disburse it among the depositors.

2.The learned Government: Advocate (Crl.Side) also submitted that the District Revenue Officer, Tiruppur, would receive the amount mentioned in Paragraph No.12 of the status report if deposited by the fourth accused and disburse it to the depositors.

3.In the said circumstances, post this matter after two weeks for facilitating the deposit of the amount by the fourth accused and for disbursement."

14. I respectfully submit that in accordance to the above order of the Hon'ble Court, Is respondent have sent a memo to the defaulter



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Mr.Thangaraj(A4) to comply the order of Hon'ble High Court by depositing interest amount for disbursement to the depositors on 06.03.2024.Further I state that the defaulter Mr.Thangaraj(A4) has deposited the interest" amount Rs.1,05,36,900/- to the Competent Authority bank account on 08.03.2024 and after that memo has been sent to all depositors to collect their interest amount from the Competent Authority on 11.03.2024. All the depositors received their interest amount on 15.03.2024.

15. I respectfully submit that after the disbursement of interest amount to all the depositors, 1st respondent has filed Compliance report before the Hon'ble High Court Madras in Cont.P.No 125 of 2024 in W.P.11273 of 2023 on 18.03.2024 and Hon' ble High court were pronounced the order on 25.03.2024 as follows:-

"Today, when the matter is taken up for hearing, it is informed that a sum of Rs.1,05,36,900/- was deposited, as per the calculation made by the District Revenue Officer by calculating interest amount from 2008 to February 2023. It is further stated that this



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amount was also disbursed to the depositors and compliance report is filed in this regard.

2. The learned counsel for the petitioner submitted that the amount deposited is not correct. If the learned counsel for the petitioner is aggrieved against the calculation, petitioner can file appropriate petition before the concerned authority/Court.

3. The District Revenue Officer is directed to take appropriate steps for raising the attachment in the manner known to law before the concerned Court.

4. Accordingly, this contempt petition is closed and connected writ miscellaneous petition is also closed. No costs"

16. I respectfully submit that in Cont.P.No 125 of 2024 in W.P.11273 of 2023 dated 25.03.2024 Hon'ble High court has ordered that "The District Revenue Officer is directed to take appropriate steps for raising the attachment in the manner known to law before the concerned Court". I submit that the defaulters of Sri Kandiamman Finance has to file application before the Special Court under TNPID act, Coimbatore to raise the attachment of properties mentioned in G.O.Ms.No.1469 Home



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(Police-XIX) Department dated 17.10.2007.

After receiving orders from the Special Court under TNPID act, Coimbatore, Competent Authority/District Revenue Officer, Tiruppur will send proposal to Home (Police-XIX) department, Secretariat, Chennai for raising attachment of the properties which also includes the properties claimed by the Appellant in this case mentioned in the above G.O.Ms.No.1469.”

4.It is clear from the above that the entire deposit amount has now been settled and already steps have been taken to raise the attachment of the properties which also includes the property belonging to the appellant. In view of the same, there shall be a direction to the claimants to file an appropriate application before the Special Court under TNPID Act, Coimbatore, seeking for raising the attachment and the same shall be allowed. This process shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. On such orders being passed by the Special Court, the competent authority shall communicate the same to Home Department and the Government Orders passed attaching the property shall be withdrawn by passing a fresh Government Order in that regard. This process shall be completed within



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a period of eight (8) weeks from the date of passing of the order by the Special Court.

5.In the result, this Civil Miscellaneous Appeal is allowed with the above directions. Consequently, the connected Miscellaneous Petition is closed. No costs.

17.04.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1.The Special Judge,
Special Court under TNPID Act,
Coimbatore.

2.The Section Officer,
VR Section,
Madras High Court,
Chennai.



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N.ANAND VENKATESH, J.

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