



WEB COPY



C.M.A.No.2594 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/11/2024

C O R A M

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

Civil Miscellaneous Appeal No.1028 of 2020

1. The Competent Authority
and District Revenue Officer
Collector's Office
Chennai 1.

2. State
rep. By its DSP
EOW II, Anna Nagar
Chennai 40.

...

Appellants

Vs

1. Deccan Estates Ltd
rep. By its Director Mr.A.Nirmal Gadhiya
New No.24 Old No.46, B.N.Road
T.Nagar
Chennai 600 017.

2. Nirmal Gadhiya
Director
M/s.Deccan Estates & Construction Ltd
New No.24 Old No.46, B.N.Road
T.Nagar
Chennai 600 017.



C.M.A.No.2594 of 2019

3. Suprabath Chits & Investments (Private) Ltd
rep. By S.Nos.4, 6, 8, 9, 11, 15
No.18, 10th Cross Street
Indira Nagar
Chennai 600 020.
4. Balaji Hire Purchase (Pvt) Ltd
rep. By S.Nos.4, 5, 6
Chennai 4.
5. Krishna Finance
rep. By S.Nos.4, 9, 12
6. K. Kannalan @ Babu
7. D. Sulochana
8. G. Devarajan
9. K. Nagarathinam
- 10.N. Kuppusamy Naidu
- 11.T. Venkatasubramaniam
- 12.Uma Nagarathinam
- 13.K. Srinivasan
- 14.Chitra Devi
- 15.Rajkumar
- 16.Prithima
- 17.P.Sugumar
- 18.T.K.Shanthi



C.M.A.No.2594 of 2019

19.T.K.Tirupurasundari@ Uma

...

Respondents

WEB COPY

PRAYER: Appeal filed under Section 11 of the T.N.Protection of Interest of Depositors (in Financial Establishments), Act, 1997 against the judgment and decree dated 18/9/2018 made in O.A.No.70 of 2010 passed by the Special Judge under TNPID Act, Chennai.

For appellant

...

Mr.P.Gurunathan
Additional Government Pleader

For respondents

...

Mr.Rathina Asokan
for R.R.1 and 2

Not ready in notice

- R.R.3 to 5, 9, 10, 15 and 17

Mr.A.Arumugam
for R.11

Mr.S.Saravanan
for R.18

Mr.P.Krishnamurthi
for R.19

No appearance
for R.R.6 to 8, 12 to 14 and 16

- - - - -



WEB COPY

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the judgment and decree dated 18/9/2018 made in O.A.No.70 of 2010 passed by the Special Judge under TNPID Act, Chennai.

2. Brief facts which lead to filing of this Civil Miscellaneous Appeal are as follows:-

In exercise of the powers conferred by Section 3 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, the Governor of Tamil Nadu appointed the District Revenue Officer, Chennai, as the Competent Authority to exercise control over the properties attached by the Government under Section 3 of the Act, vide, G.O.Ms.No.215, Home (Police XIX) Department, dated 23/2/2010. The Government has further requested the Competent Authority to pursue further action in accordance with the procedure laid down in sub-Section (3) and (4) of Section 4 of TNPID Act, 1997.

3. Based on the complaints received from number of depositors,



Government issued an order of ad-interim attachment as the properties were purchased by the said financial establishment and transferred the control over the properties to the Competent Authority and District Revenue Officer, Chennai District. Thereafter, the then Competent Authority and District Revenue Officer, Chennai, filed O.A.No.85 of 2010 before the Hon'ble Special Court under TNPID Act, Chennai to grant absolute attachment order of the properties of the accused. Second and third respondents filed O.A.No.70 of 2010 before the Special Court under TNPID Act, Chennai to consider the objections raised by the second respondent and raise the attachment made by Government Gazette Notification in G.O.Ms.No.215 dated 31/3/2010. After trial, the trial Court, raised attachment in respect of two properties, vide, order dated 18/9/2018. Being aggrieved, instant Civil Miscellaneous Appeal has been filed.

4. The learned counsel appearing for the respondents 1 and 2 submitted that O.A.No.85 of 2010 filed by the appellants was allowed in respect of some properties, while in respect of other two properties, vide, order dated 19/5/2023, it was dismissed. However, the same was not challenged before this Court. Only raising the attachment in respect of two properties, the appellant had filed the instant appeal.



C.M.A.No.2594 of 2019

WEB COPY

5. The present appeal has been filed against the order passed by the very same Court raising the order of attachment on the application filed by the first respondent, which respondent had also challenged the Government Order, in and by which interim order of attachment was passed, which application was rejected by the Court. It is further to be noted that the Court below had considered the properties which were purchased and found that the properties, for which order of attachment was lifted was not purchased from out of the funds of the financial establishment, while in respect of other two properties, the Court below had made the order of attachment absolute. The finding of the Court being not perverse and is based on cogent and convincing reasoning, this Court is of the considered view that no interference is warranted with the findings recorded by the Court below.

6. In the result, instant Civil Miscellaneous Appeal is dismissed. No costs.

14/11/2024

mvs.

Index : Yes / No



C.M.A.No.2594 of 2019

Neutral Citation: Yes/No

WEB COPY

To

The Special Judge under TNPID Act, Chennai.



WEB COPY



C.M.A.No.2594 of 2019

M.DHANDAPANI,J

mvs.

C.M.A.No.1028 of 2020

14/11/2024