



CMP(MD) No.4138 of 2024 in CMA(MD) No.840 of 2021:

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD) Nos.4138 and 4148 of 2024
in
CMA(MD) Nos.840 of 2021 and 37 of 2022

CMP(MD) No.4138 of 2024 in CMA(MD) No.840 of 2021:

1 K.S. ARUNA

2 K.S.ASWATH ALIAS ASWATH BABU

3 M.P.AMBIGA

... Petitioners / Respondents 5 to 7

Vs

1 M.THIRUMARA CHELLAPANDI

2 M.MURASOLIMARAN

3 M.MANIKANDAN

... Respondents 1 to 3 / Appellant 1 to 3

4 THE COMPETENT AUTHORITY,
DISTRICT REVENUE OFFICER,
MADURAI

5 K.L.KRISHNAMOORTHY

6 K.R.SUDHARSAN (DIED)



CMP(MD) No.4138 of 2024 in CMA(MD) No.840 of 2021:

7 K.L.SUBRAMANIAN

... Respondents 4 to 7 / Respondents 1 to 4

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Prayer in CMP(MD). 4138/ 2024 :

To modify the order passed in CMA.No.840 of 2021 dated 5.3.2024 by modifying that not to sell the House property at East Veli Street which is shown as item No.1 of G.O.Ms.No.569 dt.18.6.2001 and by accepting the undertaking given by petitioners to settle the entire dues to the depositors in C.C.No.40 of 2008 on the file of the TNPID Court as the time stipulated by this Honourable Court and on settling the amount to the depositors, consequently the TNPID Court may raise the attachment in lieu of the interim attached properties in Serial No.1 to 10 of GO.Ms.No.569 dated 18.6.2001.

Prayer in CMA(MD). 840/ 2021 :

To call for the records and set aside the fair and decreetal order dated 13.07.2021 in O.A.No. 6 of 2017 on the file of the Special Curt under TNPID Act cases, Madurai allow this Civil Miscellaneous Appeal with costs throughout.

CMP(MD) No.4148 of 2024 in CMA(MD) No.37 of 2022:

1 K.S. ARUNA

2 K.S.ASWATH ALIAS ASWATH BABU

3 M.P.AMBIGA

... Petitioners / Respondents 6 to 8

Vs

1 R.MANI

... 1st Respondent / Appellant

2 THE COMPETENT AUTHORITY,
DISTRICT REVENUE OFFICER,
MADURAI

3 K.L.K.AND K.R.S.SMALL SAVINGS AND CHITS,,
72, LAKSHMIPURAM II STREET,
MADURAI
(REPRESENTED BY SL.NO.4 BELOW)



CMP(MD) No.4138 of 2024 in CMA(MD) No.840 of 2021:

4 K.L.SUBRAMANIAN

5 K.R.SUDHARSAN (DIED)

6 K.L.KRISHNAMOORTHY

... Respondents 2 to 6 / Respondents 1 to 5

Prayer in CMP(MD). 4148/ 2024 :

To modify the order passed in CMA.No.37 of 2022 dated 5.3.2024 by modifying that not to sell the House property at East Veli Street which is shown as item No.1 of G.O.Ms.No.569 dt.18.6.2001 and by accepting the undertaking given by petitioners to settle the entire dues to the depositors in C.C.No.40 of 2008 on the file of the TNPID Court as the time stipulated by this Honourable Court and on settling the amount to the depositors, consequently the TNPID Court may raise the attachment in lieu of the interim attached properties in Serial No.1 to 10 of GO.Ms.No.569 dated 18.6.2001.

Prayer in CMA(MD). 37/ 2022 :

To call for the records and set aside the fair and decretal order dated 13.07.2021 in O.A. No.6 of 2016 on the file of the Special Court under TNPID Act cases, Madurai allow this Civil Miscellaneous Appeal with costs throughout.

ORDER : These civil miscellaneous petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.C.VAKEESWARAN, Advocate for the petitioners in both petitions and of Mr.H.LAKSHMI SHANKAR, Advocate on behalf of the Respondent Nos.1 to 3 in CMP(MD) No.4138 of 2024 and Respondent No.1 in CMP (MD) No.4148 of 2024 and of Mr.Mr.R.BASKARAN, Additional Advocate General assisted by M/s.S.JEYAPRIYA, Government Advocate on behalf of the Respondent No.4 in CMP(MD) No.4138 of 2024 and Respondent No.2 in CMP(MD) No.4148 of 2024 and of Mr.T.PALANISAMY, Advocate on behalf of the Respondent Nos.5 & 7 in CMP(MD) No.4138 of 2024 and Respondent Nos.4 & 6 in CMP(MD) No.4148 of 2024, the Court made the following order:-

These Civil Miscellaneous Petitions have been filed to modify the Order passed by this Court in C.M.A.(MD)Nos.840 of 2021 & 37 of 2022, dated 05.03.2024.



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2. In the aforesaid Order, this Court directed the TNPID Court, Madurai, to sell the gold jewels and also the House which is located in East Veli Street. Furthermore, this Court has also recorded the availability of cash of Rs.1,08,92,974/-.

3. The Learned counsel appearing for the petitioner herein submitted that as per the criminal case in C.C.No.40 of 2008, where the father of the petitioner is shown as accused since his father was in the management of the said company. In the said C.C. only 289 members are there and total deposited amount and other details are given in the calculation memo, which is extracted here under:

C.C.No.40 of 2008 (K.R.Sudharsan (Died))

1. Total Depositors : 289 Members
2. Total Depositors amount : Rs.3,35,42,520/-
3. Amount deposited before
TNPID Court : Rs.10,73,500/-
4. Amount Deposited before
The Competent Authority : Rs.20,00,000/-
5. Amount to be settled or
to deposit before the
TNPID Court : Rs.3,04,69,020/-.



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4. According to the petitioner, the liability is only Rs.3,04,69,020/- as per the case in C.C.No.40 of 2008. In the Court as well as the Competent Authority had already deposited to the tune of Rs.30,73,500/-. Hence if Rs.3,04,69,020/- is deposited, the entire liability covered in C.C. case could be settled and the criminal case could be closed. And the petitioner is ready and willing to deposit the amount.

5. As per the case in C.C.No.36 of 2008, the calculation memo is extracted here under:

C.C.No.36 of 2008 (K.L.Krishnamoorthi and K.L.Subramanian)

- | | | |
|---|---|------------------|
| 1. Total Depositors | : | 551 Members |
| 2. Total Depositors amount | : | Rs.8,49,11,915/- |
| 3. Amount settled to the
depositors before
TNPID Court | : | Rs.3,11,33,185/- |
| 4. Amount Deposited before
the Competent Authority | : | Rs.1,08,92,974/- |
| 5. Amount to be settled or
to deposit before the TNPID
Court. | : | Rs.4,28,85,756/- |
| 6. Remaining Depositors | : | 267 Members |



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6. The contention of the Learned Counsel appearing for the petitioner is that the said deceased K.R.Sudharsan is not involved directly but the said K.L.Krishnamoorthy and K.L.Subramanian were involved. They have already deposited few lakhs. Now the balance payable is Rs.4,28,85,756/-. If the property belonging to the said K.L.Krishnamoorthy and K.L.Subramanian are sold then the entire liability could be settled. But in the interim order this Court had directed to sell the East Velli Street property which belongs to K.R.Sudharsan. Hence the petitioner prays to modify the order dated 05.03.2024, especially, seeking direction to the TNPID Court, Madurai, not to sell the East Veli Street House.

7. After hearing the submissions, this Court is not inclined to lift the attachment order. However, the petitioner may be accommodated. Initially the petitioner is directed to deposit a sum of Rs.3,04,69,020/-. On such deposit, sale of East Velli Street property may be deferred and the earlier order dated, 05.03.2024 is modified to this extent. However, the TNPID Court is direct to sell the properties belonging to the K.L.Krishnamoorthy and K.L.Subramanian which are shown as items 11 to 17 in G.O.Ms.No.569 and the said properties are extracted hereunder:



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Sl.No.	Details of Properties
1.	House -1 No.11/2 B.B.Road, T.S.No.2587 Ward No.55, 11000 Sq.Ft. Balarengapuram, Madurai.
2.	Vacant site Old S.No.128/2, 128/8, R.S.No.2/8, 11764 Sq. Ft. Narsingam Pit-2 Village
3.	Vacant site 2 ¼ Cents Thirupparangundram Village
4.	House -1 No.31, T.S.No.2064/2, Ward No.47, Lakshmipuram First Street, Madurai.



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5.	House - 1 No.9, T.S.No.1871/1-1, Ward No.39, Old Madurai Station, Madurai.
6.	House -1 No 11-A, T.S.No.888/13, Ward No.47, Poosari Thoppu Veethi, Madurai.
7	House -1 No.7-A, T.S.No.3016, Ward No.54, Pacharikkara Thoppu First Street, Madurai.

On such sale, the sale proceeds shall be utilized to disburse amount to the depositors.

8. Accordingly, these petitions are allowed as stated supra. It is made clear that attachment is not lifted. The plea of lifting the attachment will be considered later. The petitioner is directed to deposit a sum of Rs.3,04,69,020/- before the TNPID Court, Madurai, within a period of One month, from the date of receipt of a copy of the Order.



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9. Post these matters on 30.04.2024, for reporting compliance.

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sd/-
26/03/2024

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27/03/2024

Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KSA

To

The Judge,
Special Court under TNPID Act Cases, Madurai.

+2 CC to M/s.C.VAKEESWARAN, Advocate (SR-3680 & 3681[I] dated
26/03/2024)

ORDER

IN

CMP(MD) Nos.4138 and 4148 of 2024

in

CMA(MD) Nos.840 of 2021 and 37 of 2022

Date :26/03/2024

ED/ /SAR- (27/03/2024) 9P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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