



C.M.A.(MD) No.1115 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**C.M.A.(MD) No.1115 of 2024**

**and**

**C.M.P.(MD)No.11692 of 2024**

P.Ramesh

... Appellant

Vs.

1.The Competent Authority/District Revenue Officer,  
under TNPID Act,  
District Revenue Office,  
Trichy.

2.Money Cube Investment and Sprits Tech,  
No.13, 3<sup>rd</sup> Cross West Street,  
Thillai Nagar,  
Thuraiyur Taluk,  
Trichy.

Parathesi Reddiyar (died)

3.Mani,  
4.Siva,  
5.Amutha,  
6.Prabhu.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 11 of Tamil Nadu



C.M.A.(MD) No.1115 of 2024

Protection of Interest of Depositors Act, 1997, to call for the records pertaining the orders in dated 26.05.2015 made in O.A.No.5 of 2013 on the file of the Special Court under Tamil Nadu Protection of Interest and Depositors [In Financial Establishment] Act, 1997, Madurai and set aside the same.

For Appellant : Mr.M.Karunanithi  
for M/s.KBS Law Office

For Respondents  
for R1 : Mr.V.Om Prakash,  
Government Advocate  
for R2 to R6 : Dispensed with

### **J U D G M E N T**

The instant appeal has been filed challenging the order of attachment and permitting the first respondent herein to sell the properties belonging to the appellant.

2. It is the case of the appellant that the property that has been attached is his absolute property and the same was acquired by him by virtue of a Settlement Deed dated 22.07.2013; and that the appellant's father was accused in a prosecution filed under the provisions of the TNPID Act, 1997, and hence, by erroneously assuming that the property



C.M.A.(MD) No.1115 of 2024

belonged to him, the said property was sought to be attached; and that after his death on 25.12.2023, some of his legal heirs were impleaded as the parties; that however, the appellant was excluded, and since the legal heirs, who were impleaded, had not contested the petition, the petition was allowed.

3. The learned counsel for the appellant submitted that the impugned order of attachment is liable to be set aside, on two grounds. Firstly, the order has been passed under Section 7(7) of the TNPID Act, 1997, which has been deleted on 24.07.2008 and secondly, the attachment of his property without due notice to him, is unsustainable.

4. The learned Government Advocate, who took notice for the first respondent and who is the contesting party, fairly submitted that the property belongs to the appellant and the matter may be remitted back to the TNPID Court for fresh adjudication.

5. Notice to the respondents 2 to 6 is dispensed with as they are not necessary parties for adjudication of this appeal. With the consent of learned counsel for the appellant and the first respondent, this appeal is



C.M.A.(MD) No.1115 of 2024

taken up for final hearing.

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6. The point for consideration is '*whether the impugned order passed by the TNPID Court is sustainable in law?*'

7. By the impugned order, the TNPID Court not only made the ad interim attachment absolute but also had directed the sale the property under Section 7(7) of the TNPID Act, 1997, which provision has since been deleted from the statute. That apart, though the appellant is the owner of the property, admittedly, no notice has been sent to him before passing the impugned order.

8. For the aforesaid reasons, this Court is of the view that the impugned order is liable to be set aside and the matter may be remitted back to the TNPID Court, Madurai, to decide the matter afresh, after giving due notice to the appellant and all the parties concerned and by giving sufficient opportunity to adduce evidence.

9. Therefore, the impugned order passed by the TNPID Court, Madurai is set aside and the matter is remitted back to the TNPID Court,



C.M.A.(MD) No.1115 of 2024

Madurai, for fresh consideration.

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10. In the result, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**29.08.2024**

Index: Yes/ No  
NCC: Yes / No  
Speaking Order / Non-Speaking Order  
apd

To:

1.The Competent Authority/District Revenue Officer,  
under TNPID Act,  
District Revenue Office,  
Trichy.

2.Special Judge under TNPID Act cases,  
Madurai.

3.The Record Keeper,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.



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C.M.A.(MD) No.1115 of 2024

**SUNDER MOHAN, J.**

apd

**C.M.A.(MD) No.1115 of 2024**

**29.08.2024**