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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)Nos.2576 and 2577 of 2017

M.R.Selvakumar
T.Karthikeyan

... Petitioner in C.R.P.(MD)No.2576/2017
... Petitioner in C.R.P.(MD)No.2577/2017

vs.

1.K.L.Krishnamoorthy
2.K.R.Sudharsan

3.The Inspector of Police,
Economic Offences Wing,
Madurai (Financial Institution)

4.The Competent Authority,
District Revenue Officer,
Madurai.

5.S.K.Jeganathan (died)
6.M.R.S.Vijayakumar
7.T.S.Rajendran
8.R.B.Sathasivam (died)
9.K.K.Dinesh

...Respondents in both petitions

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, against the fair and decreetal order made in I.A.Nos.49 and



50 of 2014 in I.A.No.45 of 2008 in O.A.No.3 of 2004 on the file of the Special Court under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) Act, 1997 Madurai dated 19.12.2016.

For Petitioners : Mr.T.Antony Arul Raj
For R3 & R4 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R6 & R9 : No Appearance
For RR1, 2, 5
7 and 8 : Dispensed with

COMMON ORDER

The present Civil Revision Petitions are filed challenging the order passed in I.A.Nos.49 and 50 of 2014 in I.A.No.45 of 2008 in O.A.No.3 of 2004 on the file of the Special Court under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) Act, 1997 (hereinafter referred to as “ the TNPID Act” for the sake for brevity), Madurai dated 19.12.2016.

2.The revision petitioners are the third party to the suit, who had filed applications before the trial Court in I.A.No.49 & 50 of 2014 in O.A.No.3 of 2004 on the file of the Special Court under TNPID Act to raise the attachment made in respect of their property. The contention of the revision petitioners is



that they have purchased the subject property from their respective vendors for valuable consideration after verifying the encumbrance over the property.

However, the said property was attached by the TNPID Court pursuant to the registration of a case in Crime No.12 of 1999 for the offence under Sections 406, 420 IPC and later it was altered into Section 5 of the TNPID Act and filing of charge sheet, under G.O.Ms.No.569, Home (Courts IIA), Department, dated 18.06.2001. The revision petitions claim that at the time of purchase, the attachment made by the Government vide G.O.(Ms)No.569 was not reflected in the encumbrance certificate. Therefore, they submit that they are the *bona fide* purchaser as they were not aware of the attachment made by the Government.

3.The main contention of the learned counsel for the revision petitioners is that though the attachment was made by the Government, the same was not registered with the Sub Registrar Officer and he asserts that the revision petitions are the bonafide purchasers.

4.The learned Additional Government Pleader appearing for the official respondents submits in view of the orders passed by this Court in C.M.A. (MD)Nos.840 of 2021 and 37 of 2022, the attachment made in respect of the



properties shown as item Nos.1 to 10 in G.O.Ms.No.569, dated 18.06.2001, the Government of Tamil Nadu had lifted the attachment. The property of the petitioner is situated in Survey No.97/1A, which is under question in these civil revision petitions and it consists of larger extent of land.

5.For better appreciation, the relevant portion of the order of this Court dated 19.08.2024, made in C.M.A.(MD)Nos.840 of 2021 and 37 of 2022, is extracted hereunder:

“19.It is seen the C.C.No.40 of 2008 is filed against the K.L.Krishnamoorthi, K.R.Sudharsan, K.S.Aruna, K.S.Aswath and M.P.Ambiga. The total depositors stated in the FIR is 289 and the total amount stated in the FIR is Rs.3,35,42,520/-. Already Rs.10,73,500/- was deposited in TNPID Court and Rs.20,00,000/- was deposited before the Competent Authority. Hence the balance payable was only Rs.3,04,69,020/- and the same is paid through RTGS as stated supra. Since the entire amount stated in the C.C.No.40 of 2008 is paid, then as per the TNPID Act the C.C.No.40 / 2008 ought to be closed and the attachment of the properties belonging to K.R.Sudarsan and his legal heirs ought to be lifted. Therefore, this Court is inclined to lift the attachment as far as items 1 to 10 mentioned in G.O.Ms.No.569 dated 18.06.2001 alone and accordingly the attachment is lifted. The TNPID Court is directed to close the C.C.No.40 of 2008 for the reasons stated supra.



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6. In view of the submission made by the learned Additional Government Pleader that the attachment made as against the property under question is lifted by the Government, nothing survives in these Civil Revision Petitions. Accordingly, these Civil Revision Petitions are closed. No costs.

27.11.2024

Internet : Yes/No
NCC : Yes/No
Index : Yes/No
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To

1. The Special Court under TNPID Act,
Madurai.
2. The Inspector of Police,
Economic Offences Wing,
Madurai (Financial Institution)
3. The Competent Authority,
District Revenue Officer,
Madurai.



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N.SENTHILKUMAR, J.

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