



Crl.O.P.No.4646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.4646 of 2025

R.Sivakumar

... Petitioner

Vs.

The State Rep by its,
The Deputy Superintendent of Police,
Economic Offence Wing-II,
Salem District.

... Respondent

PRAYER: The Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the competent authority or appoint a committee/administrator to attach and sell the properties of the petitioner and the companies, namely Winstarindia City Developers (A1) and Sowbakkia City Developers(A2), for the purpose of settling and disbursing the claims of the depositors concerned in C.C.No.6 of 2019 pending on the file of the Special Judge, Special Court under the TNPID Act, Coimbatore.

For Petitioner : Mr.G.Prabhakaran

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This petition has been filed seeking a direction to the competent authority or appoint a committee/administrator to attach and sell the properties of the petitioner and the companies, namely Winstarindia City Developers (A1) and Sowbakkia City Developers(A2), for the purpose of settling and disbursing the claims of the depositors concerned in C.C.No.6 of 2019 pending on the file of the Special Judge, Special Court under the TNPID Act, Coimbatore.

2. On the complaint lodged by the respondents, F.I.R has been registered in Cr.No.15 of 2017 for the offence under Sections 120B, 420, 406 IPC and Section 5 of TNPID Act, 1997. The petitioner is arrayed as third accused in C.C.No.6 of 2019.

3. The allegations stated in the F.I.R is that the petitioner had established Finance Company in the name and style of Winstar India City Developers (A1) and Sowbakkia City Developers(A2) collected deposits from 1,686 persons amounting to the tune of Rs.82,01,76,661/- and failed to return the said amount to the depositors, thereby, cheating the depositors.



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4. After completion of investigation, the respondent has filed a final report and the same has been taken cognizance by the trial Court in C.C.No.6 of 2019 and it is pending for trial. Thereafter, one of the victims namely Sekar has filed a writ petition before this Court in W.P.No.9404 of 2023 seeking a direction to direct the first respondent to issue Government Order appointing the second respondent as Competent Authority under Tamilnadu Protection of Interests to Depositors Act, 1997 to identify the properties of the petitioner/A3 and take inventory and fix the value of the properties in connection with C.C.No.6 of 2019 pending on the file of the Special Court for TNPID Cases, Coimbatore and complete the same within the time prescribed by this Court.

5. This Court vide order dated 26.07.2023 directed the first respondent to pass appropriate orders appointed the second respondent therein as the competent authority under the TANPID Act and the second respondent therein should identify the properties and proceed further in accordance with law. However, so far, no properties have been identified and no steps have been taken to realize the amount which were collected from the victims.



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WEB COPY 6. Now, the petitioner being an accused has come forward with this petition on the ground that he had identified ten items of properties and also produced the certified copy of the parent deeds of those properties. Therefore, the petitioner sought for appointment of a committee to deal with the properties in order to settle the claim amount to the victims.

7. A perusal of the counter filed by the respondent reveals that so far five items of properties were identified and the same were attached and it is pending for realization. In so far as the properties, now identified and produced before this Court are under the proposal for attachment. So far, no order has been passed to attach the properties mentioned by the petitioner.

8. It is reported that it is only to drag on the proceedings and the petitioner has absolutely no interest to settle the amount. Infact, the said victim has already filed a writ petition before this Court, in which, this Court was not inclined to appoint any committee to attach the property and appoint the competent authority under the TANPID Act and identified the properties and proceed further in accordance with the



Act/Rules.

WEB COPY 9. The respondent also verified and reported before this Court that the properties are very much of higher value available, but the original documents of those properties are not available.

10. The learned counsel for the petitioner has produced certified copies of those properties which are available without any encumbrance. So far, on the side of prosecution, out of 2016 witnesses, 290 witnesses have been examined. That apart, the properties which are already attached and also pending with competent authority without bringing them for auction for sale.

11. Taking note of the facts and circumstances of the case and the submissions made by both counsel and also perusing the materials available on record , this Court is inclined to appoint Committee and a retired District Judge as a Administrator to bring the properties for sale and to deposit the same before the Special Court for disposal to the victims. The said committee consists of Administrator and other two members of the committee.

12. Accordingly, this Court is inclined to appoint a Committee to deal with the case in C.C.No.6 of 2019 pending on the file of the Special Judge, Special Court under the TNPID Act, Coimbatore .



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WEB COPY i) *Mr.C.Kumar Saravanan, District Judge (Retd), (No.197, Flat No.D1, 4th Floor, Sai Agna, Pramitha Homes, No.9, East Street, Mayor Nagar, Rajiv Gandhi Road, Salem-636 007, Mobile No.9443599224) is appointed as a Administrator.*

ii) The Investigating Officers namely i) the Deputy Superintendent of Police, Salem and ii) the Deputy Superintendent of Police, Erode are the members of the said Committee.

iii) The District Revenue Officer, Salem is directed to provide one office room for the Administrator in the Office Building of the District Revenue Office, Salem to proceed the aforesaid case further;

iii) The monthly remuneration of the Administrator is fixed as Rs.1,00,000/- and the same shall be payable by the petitioner;

iv) The Committee is directed to issue notice to the petitioner for production of certified copies of properties which are identified by the petitioner in total 10 items of properties. Immediately after receipt of notice from the competent authority, the petitioner shall hand over the certified copy of the title deeds. The details of the properties as mentioned below;



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Unattached Property Details

Sl.No	Doc.No.	Site Name	No Plots identified by the respondent	No Plots identified by the petitioner	Market Value
1	Doc.Nos.1107 & 3637 & 576 of 2014	Singappur City Phase I, Phase II, Phase III Village-Pethanayakkanpalyam, Kalpaganoor	500	1161	Rs.48,76,20,000/- (Approximately)
2	Doc.No.887 to 889 of 2014 and Others	New Pothigai Nagar, Village-Naravalur Thottipalayam	239	313	Rs.6,26,00,000/- (Approximately)
3	Doc.No.1729 of 2012 and others	Pothigai Nagar Village-Elur	57	256	Rs.12,28,80,000/- (Approximately)
4	Doc.No.2851 of 2014	Ela Nagar, Manathi	244	233	Rs.10,10,10,000/- (Approximately)
5	Doc No.1909 of 2014 & 69 of 2014	Cunoor City Village, Yethappur	143	133	Rs.10,54,85,000/- (Approximately)
6	Doc.No.1815 of 2013	Pokkisam Nagar Village-Thathadripuram	81	76	Rs.3,18,26,000/- (Approximately)
7	Doc No.3950 of 2013	Soubhakya Nagar, Village, Pethanayakkanpalyam	-	75	Rs.3,50,00,000/- (Approximately)
8	Doc No.1127 to 1130 & 1498 of 2013	Tourisam Nagar- Village-Poolampatti & Vellarivelli	44	58	Rs.8,50,00,000/- (Approximately)
9	Doc.No.5198 of 2012	Soubhakya Nagar, Village-Koranampatti	23	35	Rs.3,04,00,000/- (Approximately)
10	Doc No.367 of 2014	London City Village-Elur	-	19	Rs.72,50,000/- (Approximately)
Total Plots			1331	2359	(Approximately Rs.106.5 Crores)

Total Un-attached Properties Market Value = Rs.106,90,71,000/- (Approximately Rs.106.5 Crores).

v) The Committee is directed to bring those properties directly for



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auction sale in accordance with law.

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vi) After completion of auction sale, the Committee is directed to deposit the sale proceeds to the credit of C.C.No.6 of 2019 and on such deposit, the Administrator is directed to open a new account in name of the Administrator in C.C.No.6 of 2019 and disburse the sale proceeds to the victims;

vii) The committee is directed to issue notice to the victims and those who are willing to purchase the plots which are available as per their fixed deposit;

viii) On perusal of the identity of the victims and on receipts issued by the accused in respect of their deposits, the committee is also directed to register the same in their favour;

ix) In respect of those victims who are not willing to register plots in their names, the Committee is directed to bring the remaining property for auction sale to realize sale proceeds and to disburse the same proportionately to the victims.

x) After identifying the 10 items of unattached properties, the petitioner is also permitted to negotiate with the respective victims while registering plots in their favour and also while disbursing the amount to those who are not willing to register plots in their favour.



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WEB COPY 13. With the above directions, this Criminal Original Petition is disposed of.

20.03.2025

Vv

To

1. Mr.C.Kumar Saravanan,
District Judge (Retd), No.197, Flat No.D1,
4th Floor, Sai Agna, Pramitha Homes,
No.9, East Street, Mayor Nagar,
Rajiv Gandhi Road, Salem-636 007.
Mobile No.9443599224
2. The Special Judge, Special Court under the
TNPID Act, Coimbatore.
3. The District Revenue Officer, Salem
4. The Deputy Superintendent of Police, Salem
5. The Deputy Superintendent of Police, Erode
6. The Deputy Superintendent of Police,
Economic Offence Wing-II,
Salem District.
7. The Public Prosecutor,
High Court of Madras,
Chennai.



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