



W.P.No.1969 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM:

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

W.P.No.1969 of 2024
and W.M.P.Nos.2086 & 2087 of 2024

S.R.Sundaram

... Petitioner

Vs.

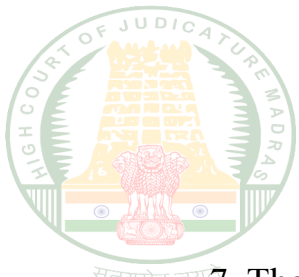
1. The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

2. The Competent Authority cum
District Revenue Officer,
Vellore District – 632 009.

3. M/s.Anandha Financial Services,
No.404, 1st Floor, C.L.Road,
Vaniyambadi – 635 751.
Vellore District.
(Rep by R4 & R5)

4. V.T.Prabhakaran
5. P.Kavitha

6. The Manager,
Repco Bank,
33, North Usman Road,
T.Nagar, Chennai – 17.



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7. The District Revenue Officer,
Tirupathur.

(R-7 Suo Motu impleaded as per
order dated 19.02.2024
in W.P.No.1969/2024)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling the records culminated in the impugned G.O.Ms.442 Home (Courts.IIA) dated 27.05.2003 by the Government of Tamil Nadu/Respondent No.1, herein and quash the same as bad in Law, illegal and invalid consequently grant an order directing the release of the impugned schedule of properties under the serial No.4 and item 4 under the impugned G.O.

For Petitioner : Mr.V.Raghavachari, Senior Counsel
For Mr.S.Sakthi Shuba

For Respondents
For R1, R2 & R7: Mr.A.Gopinath
Government Advocate (Crl. Side)

For R3 to R5 : Mr.P.Muthamizh Selvakumar

ORDER

This writ petition has been filed challenging the government order in G.O.Ms.442 Home (Courts.IIA) dated 27.05.2003 issued by the first respondent thereby attached the property in serial No.4 and item No.4, which was purchased by the petitioner through Court auction.

2. Originally the subject property was owned by the



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respondents 3 to 5. They borrowed loan from the sixth respondent bank by depositing title deed and also executing mortgage deed. Thereafter, they committed default and as such the sixth respondent proceeded against them under the SARFASI Act. On realization of loan amount, subject property was brought into the public auction. In the public auction, the petitioner purchased the property and the petitioner also issued with sale certificate dated 08.10.2004.

3. In the mean while, the respondents 3 to 5 herein conducted financial institution and cheated the general public. Pursuant to that, a complaint has been registered as against them under the Tamil Nadu Protection of Interests of Depositors Act. The properties which were mortgaged with the sixth respondent were also attached by way of government order in G.O.Ms.442 Home (Courts.IIA) dated 27.05.2003. Thereafter, the entire cheated amount has been settled in favour of the victims and the criminal cases in C.C.Nos.9 & 10 of 2005, had also ended in acquittal, since all the victims viz., 119 depositors settled to the tune of Rs.94,34,071/- by the accused persons. However, the order of attachment is still pending.



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4. The learned Senior Counsel appearing for the petitioner submitted that while taking steps to raise the attachment before the Special Court for TANPID Act in O.A.No.9 of 2005, in order to show his bonafide, the petitioner had deposited a sum of Rs.7,50,000/- and it is lying in the credit of O.A.No.9 of 2009 on the file of the Special Court under TNPID Act, Chennai.

5. In view of the above facts and circumstances, the impugned government order cannot be sustained and liable to be quashed in respect of the petitioner's property. Accordingly, the government order in G.O.Ms.442 Home (Courts.IIA) dated 27.05.2003 is hereby quashed insofar the property in serial No.4 and item No.4 alone. The petitioner is at liberty to deal with the subject property which was purchased through Court auction vide sale certificate dated 08.10.2004 registered vide document No.4187 of 2004. The Special Court for TANPID Act, Chennai, is directed to refund the amount of Rs.7,50,000/- on the application filed by the petitioner. It is also made clear that the trial Court without ordering notice to any of the parties, shall pass orders on the application filed by the petitioner.



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WEB COPY 6. With the above directions, the writ petition stands allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

24.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. The Special Court for TANPID Act,
Chennai.

2. The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

3. The Competent Authority cum
District Revenue Officer,
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G.K.ILANTHIRAIYAN. J.

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