



W.P.No.30993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.30993 of 2024
W.M.P.No.33603 of 2024

C.Sumathi

...Petitioner

Vs

1.The Competent Authority
District Revenue Officer,
Coimbatore.

2.The State Represented by
The Deputy Superintendent of Police,
Economic Offences Wing – 11.
Coimbatore.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, to direct the 1st respondent to consider the representation letter dated 01.07.2024 requesting to auction the properties at Coimbatore for a lower auction price of the properties from 12 crores to 9 crores.

For Petitioner : M/s.Girija Velmurugan

For Respondents : Mr.A.Selvendran
Special Government Pleader for R1
Mr.R.Vinoth Raja (For R2)
Government Advocate (Crl side)

ORDER



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The Writ Petition has been filed for the following relief:-

WEB COPY To direct the 1st respondent to consider the representation letter dated 01.07.2024 requesting to auction the properties at Coimbatore for a lower auction price of the properties from 12 crores to 9 crores.

2.It is the case of the petitioner that she and her partners were engaged in the business of collecting deposits from the public for a fixed period of interest. On the basis of complaint lodged by a few of them that there was default in the repayment of the deposits in the year 2000, a complaint was registered and taken cognizance by the learned Special Judge, Coimbatore, under the Tamil Nadu Protection of Interests of Depositors Act, in C.C.No.8 of 2008.

3.The properties of the petitioner and other partners were attached vide G.O.MS.No.746 dated 07.08.2001. The attachment was made absolute and was challenged further. Ultimately, the matter was taken up to the Hon'ble Supreme Court and is pending in Crl.A.Nos.931 & 932 of 2023. In the proceedings dated 03.07.2023 before the Hon'ble Supreme Court, in the above matter the depositors had submitted that they would be satisfied if simple interest at 18% per annum was paid by the



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petitioner to them. Therefore, order dated 05.04.2023 was modified to that extent. That apart, the submission of the learned counsel for the said Sumathi stating that they had no objection if some of the properties are sold by the competent authority, namely, the District Revenue Officer, Coimbatore, Tamil Nadu, was also recorded.

4.Pursuant to this, the property belonging to the petitioner and Kavitha in T.S.No.3/1199/2-B1 & B7 measuring 15675 sqft of vacant land within the Coimbatore Corporation Limit was brought to sale in a public auction and the upset price was fixed at sum of Rs.6 crores. The public auction was to be held on 25.11.2024. However, there were no bidders and the price was reduced by 10% as Rs.5,40,00,000/- and once again by a public auction notice dated 07.12.2024, the property was sought to be brought for sale on 27.12.2024. Once again there has been no bidders. In fact, the report of the Competent Authority would clearly state that no bidders had participated. Ultimately, the endeavour of all parties was that the innocent depositors were repaid their deposits. Despite a public notice in popular Tamil daily and English daily there were no bidders on the last two occasions. The petitioner's thereafter seek to have the upset price reduced so that the property could be sold and



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their dues reduced to that extent.

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5.Heard the learned counsels on either sides and perused the records. The learned Government Advocate takes notice on behalf of the respondents.

6.Taking into account the above factors and considering the fact that twice there has been no bidders, the very purpose of holding the auction sale stands defeated by reason of the properties not being sold. The amounts due to the depositors has also not been paid and is only accumulating interest. Therefore, the request appears justified. Therefore, the Writ Petition is allowed and the respondent is directed to reduce the upset price by 10% as done earlier. The Writ Petition is partly allowed and the upset price is reduced to Rs.4,09,00,000/-. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

P.T.ASHA, J.



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WEB COPY

- To
- 1.The Competent Authority
District Revenue Officer,
Coimbatore.
 - 2.The State Represented by
The Deputy Superintendent of Police,
Economic Offences Wing – 11.
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