



WEB COPY



W.P.No.36423 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.03.2025

Coram:

THE HON'BLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

W.P.No.36423 of 2024

and

W.M.P.Nos.39286 and 39287 of 2024

M/s Equitas Small Finance Bank Limited,
(Formerly known as M/s Equitas Finance Limited],
Represented by its Area Legal Manager,
Mr.Bhagyaraj,
S/o Chinnadurai,
Registered office at 4th floor,
Phast-II, Spencer Plaza,
Anna Salai, Chennai 600 002.

.. Petitioner

/versus/

1.The District Collector,
Collectorate,
Thiruvallur District,
Thiruvallur.

2The Competent Authority,
District Revenue Officer,
Thiruvallur District, Thiruvallur.



W.P.No.36423 of 2024

WEB COPY

3.The Competent Authority,
The District Revenue Officer,
Chennai.

4.The Inspector of Police,
Economic Offence Wing No.2,
No.2, Natesan Salai,
Ashok Nagar,Chennai 600 083.

5.Arbros Trios Private Limited,
1st Floor, 2F2 Vellalar Street,
Mugappair, Chennai 600 037.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for entire records pertains to General notice dated 12.11.2024 in Na.Ka.Enn.03/2024/F1, issued by the 3rd respondent, with regard to vehicle bearing Registration No.TN13Y3385, Goods Carrier, bearing chassis No.MB1AA22E4nRHY1576, engine No.HNH034499P, quash the same and consequently, direct the 3rd respondent to hand over possession of the vehicle mentioned above to the petitioner.

For Petitioner :Mr.A.Gouthaman

For Respondents :Dr.S.Suriya, AGP for R1 to R3
:Dr.C.E.Pradap, GA(Crl.Side) for R4



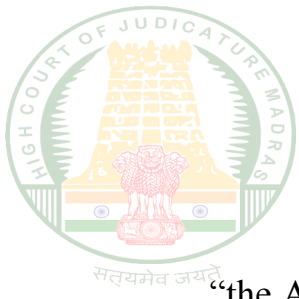
W.P.No.36423 of 2024

WEB COPY

ORDER

This Writ Petition is filed to call for the records pertaining to the notice dated 12.11.2024 issued by the third respondent with regard to the vehicle bearing Reg.No.TN13Y3385, Goods Carrier bearing Chassis No.MB1AAZZE4NRHY1576, Engine No.HNH034499P, quash the same and consequently, direct the third respondent to hand over possession of the vehicle to the petitioner.

2. The petitioner is a finance company. While so, it has financed for the purchase of the aforementioned vehicle and the same is purchased under the HirePurchase Agreement. The endorsement relating to the hire purchase is also there in the registration certificate of the vehicle concerned. While so, the purchaser of the vehicle under the hire purchase scheme seems to have collected deposits from the third parties and have defaulted. A case for an offence under Section 5 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997 (hereinafter referred to



W.P.No.36423 of 2024

WEB COPY

“the Act”) seems to have registered in Crime No.3 of 2023. While so, while attaching the property of the various accused involved in the case, the present vehicle also seems to be provisionally attached by the Government. Thereafter, the Competent Authority has filed an application in C.M.P.No.3576 of 2023 and vide an order dated 13.10.2023 while making the attachment absolute, the Special Court has also ordered for sale of the property. Accordingly, the present auction notice is issued advertising for sale of the vehicle aggrieved by which the petitioner is before this Court.

3. Mr.A.Gouthaman, the learned counsel appearing on behalf of the petitioner would submit that when the hire purchase endorsement is there in the registration certificate, it goes without saying that the petitioner could be deemed to be the owner of the property, unless and until the last installment is paid. In any event, the petitioner ought to have been considered as a person interested in the property. The procedure as mandated under Section 7 of the Act, it would be clear that the notice should have been issued to the petitioner also at the time of considering the above application. Now,



W.P.No.36423 of 2024

WEB COPY

without any notice whatsoever and in violation of the provision of law, the property belonging to the petitioner, that is the vehicle, is sought to be auctioned and therefore, the writ petition is liable to be allowed.

4. Per contra, Dr.S.Suriya, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 would submit that the auction notice is issued pursuant to the order of the Special Court and so long as the order of the Special Court ordering to sell the vehicle of the petitioner is also intact, no relief can be granted in the present writ petition.

5. Learned Government Advocate (Crl.Side) appearing on behalf of the fourth respondent would submit that the main case is under investigation. However, the Competent Authority under the Act has proceeded.



W.P.No.36423 of 2024

WEB COPY

6. I have considered the rival submissions made on either side and perused the materials available on record.

7. From the order impugned in the writ petition, it is very clear that the same is issued pursuant to the order of the Special Court in CrI.M.P.No.3576 of 2023, dated 13.10.2023. The scheme of the Act is very clear. Under Section 3 of the Act, the Government makes the tentative attachment and thereafter, the competent authority, namely, the Revenue Divisional Officer, makes an application before the Special Court and the Special Court makes the attachment absolute and also passes further orders relating to sale of the property. Accordingly, the sale of various items of the properties of the accused in the case has been ordered. While so, one of the item is the vehicle that is involved, that is the subject matter of the present writ petition. It is the contention of the petitioner/Finance Company that when the hire purchase agreement is there, notice ought to have been issued



W.P.No.36423 of 2024

to the petitioner company also.

WEB COPY

8. When the order is passed as per Sections 7 and 8 of the Act, thereafter, if any person is aggrieved, the appeal remedy is there under Section 11 of the Act. Even if the petitioner is aggrieved by the order, the petitioner has to file an appeal before this Court under Section 11 of the Act. The impugned notice is merely implementing the order of the Special Court in CrI.M.P.No.3576 of 2023 and if at all the petitioner is aggrieved, it is only aggrieved with the said order of the Special Court. Therefore, leaving open for the petitioner to take such steps, including filing of the appeal, as may be permissible under law to take action against the order dated 30.07.2023 made in CrI.M.P.No.3576 of 2023, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.03.2025

Neutral citation:yes/no
ari

7/9



W.P.No.36423 of 2024

WEB COPY

To:

- 1.The District Collector,
Collectorate,
Thiruvallur District,
Thiruvallur.
- 2The Competent Authority,
District Revenue Officer,
Thiruvallur District, Thiruvallur.
- 3.The Competent Authority,
The District Revenue Officer,
Chennai.
- 4.The Inspector of Police,
Economic offence wing No.2,
No.2, Natesan Salai,
Ashok Nagar,Chennai 600 083.
- 5.Arbros Trios Private Limited,
1st Floor, 2F2 Vellalar Street,
Mugappair, Chennai 600 037.



WEB COPY



W.P.No.36423 of 2024

D.BHARATHA CHAKRAVARTHY, J.

ari

W.P.No.36423 of 2024

and

W.M.P.Nos.39286 and 39287 of 2024

11.03.2025