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C.M.A.No.2557 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.11.2025**

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.2557 of 2025

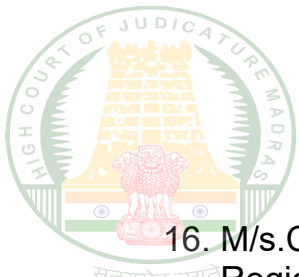
and C.M.P.No.21582 of 2025

S.P.Subburaman (died)
S.Rajalakshmi

Vs.

... Appellant

1. Competent Authority and
District Revenue Officer,
Chennai Collectorate,
Chennai – 600 0001.
2. Devi Gold House,
Door No.65, Purasawakkam High Road,
Chennai – 600 007
3. N.M.Karunakaran
4. K.Rajendran
5. R.K.Ananthakrishnan
6. Senthil
7. Jaishankar
8. M.Ramasamy
9. T.K.Baju
10. P.Bharanidharan
11. Suriyanarayanan
12. Rohini Kumar
13. Amudha
14. Gopal Rao
15. K.Vadivelu



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16. M/s. Central Bank of India,
Regional Office, Raheja Complex,
III Floor, 69, Anna Salai,
Chennai – 600 002

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 11 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, to set aside the order dated 14.07.2025 passed by the Special Judge under Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, in O.A.No.6 of 2019, City Civil Court Campus, Chennai.

For Appellant : Mr.A.Prabhakaran

For R1 : Mr.P.Gurunathan

Additional Government Pleader

JUDGMENT

S. Rajalakshmi, who is arrayed as 17th respondent in O.S.No.6 of 2019 on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai, has preferred this Civil Miscellaneous Appeal, challenging the Order dated 14.07.2025.

2. Parties are indicated herein as per their litigative status and ranking before the trial Court.

3. It was contended by the learned counsel for the appellant that the appellant along with her husband S.P.Subburaman, who died on 12.06.2021, purchased the immovable property bearing Door No.6/19, 2nd land, Mottai



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Thottam, Old Washermenpet, Chennai-21, through a sale deed dated 09.06.2009 in Document No.1596 of 2009, registered on the file of SRO, Royapuram, from K.Vadivelu, Tmt. Vanam and M.N.Karunagaran for a valuable consideration. Ever since the date of purchase, they are in absolute possession and enjoyment of the same. It is learnt that a complaint was preferred against the financial establishment M/s. Devi Gold House by the aggrieved depositors alleging that the financial establishment did not repay deposited amount after maturity.

4. It is learnt that the appellant along with her husband filed an application for raising an order of attachment in Application in SR.No.80 of 2019. The Special Court rejected the said application in the SR stage itself on 14.02.2020. A Civil Revision Petition was filed in C.R.P.No.4056 of 2019 before this Court and said C.R.P was withdrawn on 28.01.2020. Thereafter, the present appellant herein moved another similar Application SR.No.55 of 2020. By referring the order of rejection, the Special Court rejected the second application on 14.02.2020. The learned counsel for the appellant would contend that the appellant was directed to deposit a sum of Rs.25,00,000/- and further ordered to deposit to Rs.35,00,000/-, which is incorrect.

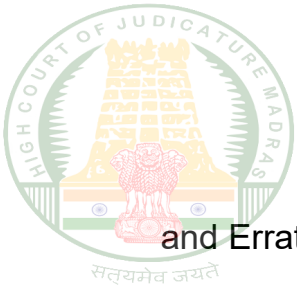


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5. O.A.No.6 of 2019 was filed by the Competent Authority / District

Revenue Officer, Chennai under Section 7(6) of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997 (*herein after referred to as TNPID Act*), for issuance of Sale Order regarding the immovable property Serial No.2 of the defaulted financial establishment M/s.Devi Gold House referred in G.O.Ms.No.554 Home (Courts IIA) Department, dated 27.06.2002 and Erratum to G.O.Ms.554 Home (Courts IIA) Department, 19.12.2003, which was made absolute by the Special Court in O.A.No.47 of 2008 dated 08.03.2010 under Section 4 of TNPID Act.

6. O.A was filed by the Competent Authority and it was contended by the Competent Authority that on default of repayment of deposit amount after the maturity period to the depositors of the financial establishment M/s. Devi Gold house, the aggrieved depositors lodged complaints against the defaulted financial establishment to the Investigation Officer, EOW, Chennai. The Investigation Officer sent a proposal to the Government for attaching the movable and immovable properties of the said defaulted financial establishment. Under Section 3 of TNPID Act, the Government issued an ad-interim attachment order attaching the properties of the defaulted financial establishment M/s.Devi Gold House in G.O.Ms.No.554 Home (Court IIA) Department, dated 27.06.2002



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and Erratum to G.O.Ms.554 Home (courts II A) Department, 19.12.2003. As per the report of the Investigating Officer, the financial establishment has to repay Rs.32,45,21,671/- to 28,432 depositors upto October 1996.

7. The Competent Authority and Additional Commissioner, Land Administration, Chepauk, Chennai, had filed a petition in O.A.No.47 of 2008 before the Special Court under Section 4 of TNPID Act, to make the ad-interim attachment order absolute regarding the properties of the defaulted financial establishment.

8. The present appellant S. Rajalakshmi (R17) along with her husband S.P.Subburaman (R16) filed a Writ Petition Nos.8282 and 8283 of 2013 for issuance of Writ of Certiorarified Mandamus, calling for the records of Government in issuance of G.O.Ms.No.554, Home (Court IIA) Department, dated 27.06.2002 and quash the same in so far as it relates to the property bearing Door No.19, 2nd lane , Mottai Thottam, Washermenpet, Chennai-21 and the same was dismissed. Against which, Writ Appeal Nos.321 and 324 of 2019 were filed and the same were dismissed on 07.02.2019.

9. It was contended by the respondents no. 16 and 17 / appellant

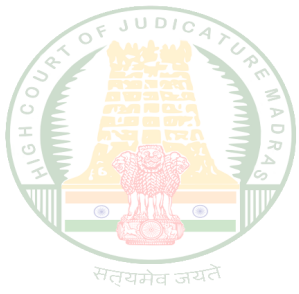


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herein that the respondent purchased the property from the power agent of one K.Vadivelu / 14th respondent, who is the son of the 2nd respondent. The said property was settled in favour of the 14th respondent by his grandfather appointing the 2nd respondent as guardian.

10. Applicant approached the Special Court for issuance of Sale Order in respect of the respondents property in order to comply with the order dated 27.06.2002 and 19.12.2003, which was made absolute by the Special Court by Order dated 08.03.2010 in O.A.No.47 of 2008. The appellant along with her husband would state that they are willing to deposit the guideline value of their attached property in order to support the applicant enabling the authority to utilize the sale amount for making payment to the depositors. It was further contended that that they are ready to deposit the guideline value of the their attached property.

11. It appears that the guideline value of the schedule mentioned property (2nd item) was Rs.1340/- per sq. feet and it was ordered that the respondents No.16 and 17, to make deposit of Rs.25,00,000/- within 30 days from 08.01.2021.



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12. Status report dated 02.07.2021 was filed by the Competent Authority to the effect that the respondents No.16 and 17 (S.P.Subburaman and S.Rajalakshmi) have deposited Rs.25,00,000/- pursuant to the order of Special Court dated 08.01.2021. Against which, the appellant along with her husband preferred C.R.P.No.788 of 2022 before this Court and the same was dismissed.

13. It appears that interim attachment was ordered on 27.06.2002 under Ex.P2 G.O.Ms.No.554 dated 27.06.2002. Respondents No.2 and 14 along with their mother and grandmother executed a power of attorney dated 17.03.2008 in Document no.220 of 2008 dated 17.03.2008 on the file of SRO Royapuram, appointing one S.P.S.Somaraj S/o. S.P.Subburaman as their power agent and who in turn has conveyed the 2nd item of schedule mentioned property in favour of the respondents no.16 and 17 through a registered sale deed dated 09.06.2009 in Document No.159 of 2009 on the file of SRO, Royapuram. It appears that S.P.S.Somaraj is the son of Subburaman and Rajalakshmi (appellant herein). Therefore, it is clear that he respondents no.16 and 17 / appellant and her husband Subburaman have purchased the schedule mentioned property (2nd item) fully well knowing about the encumbrance viz., the interim attachment passed in G.O.Ms.No.554 dated 27.06.2002. The writ



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petitions filed by the appellant and her husband in WP.Nos.8282 and 8283 of 2013 were dismissed. Their Writ Appeal Nos.321 and 324 of 2019 were also dismissed. Thereby, G.O.Ms.No.554 dated 27.06.2002 stands good and the order of interim attachment was sustained.

14. As per the guideline value namely, Rs.12,000/- per sq. ft., the value of the property was fixed as Rs.60,00,000/-. The appellant along with her husband had earlier deposited Rs.25,00,000/-. In consideration of the above said details, the Special Court ordered the appellant and her husband to deposit the remaining amount of Rs.35,00,000/-. The appellant was given option to pay the said sum by means of FDR favouring the Competent Authority / District Revenue Officer, Chennai and on such deposit, if any made by the respondents no.16 and 17, the order of attachment made in O.A.No.47 of 2008 would stand raised.

15. After passing of interim attachment in G.O.Ms.No.554 dated 27.06.2002, the respondents no.16 and 17 purchased the 2nd item of schedule mentioned property through a sale deed dated 09.06.2009. It is relevant to note that, from respondent no.2 and 14, along with their mother and grandmother, the sale deed was executed by power agent S.P.S.Somaraj, who is none other



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than the son of respondents no.16 and 17. Thereafter, they have filed writ petitions questioning the said G.O., which was dismissed and their writ appeals were also dismissed as mentioned supra and the G.O.Ms.554 dated 27.06.2002 was sustained.

16. Only at option of the respondent no.16 and 17, value of 2nd item of the property was fixed as Rs.60,00,000/- and the respondents having admitted the same deposited a sum of Rs.25,00,000/- at the first instance. The Special Court taking note of the above said details, ordered the respondents no.16 and 17 to deposit by means of FDR a sum of Rs.35,00,000/- in order to raise the attachments in respect of 2nd item of the schedule mentioned property.

17. In such circumstances, there is no merits in the Civil Miscellaneous Appeal. This Court does not find any infirmity or perversity in the orders of the Special Court. This Court also does not find any good reason to upset the findings of the Special Court.

18. In view of the aforestated narrative, this Civil Miscellaneous Appeal stands dismissed. Sequel to this, Orders dated 14.07.2025 passed in O.A.No.6 of 2019 by the Special Court under the Tamil Nadu Protection of



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Interest of Depositors (in financial establishment) Act, 1997, City Civil Court

Campus, Chennai stands confirmed. There is no order as to costs.

Consequently, connected Civil Miscellaneous Petitions stands closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case: Yes/No

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R. KALAIMATHI, J.

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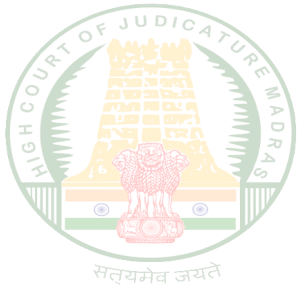
Copy to

1. The Special Judge under Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act, 1997, City Civil Court Campus, Chennai.

2. The Section Officer,
VR Section,
High Court, Madras.

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