

Ramla, vs State of Kerala,

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Court : Kerala

Decided On : Jan-12-2023

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : WP(C)/29681/2022

Appellant : RAMLA,

Respondent : State of Kerala,

Judgement :

W.P.(C) NO.29681 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN THURSDAY, THE 12TH DAY OF JANUARY 2023 / 22ND POU SHA, 1944 WP(C) NO. 29681 OF 2022 PETITIONERS: 1 RAMLA, AGED 64 YEARS W/O. MOHAMMED SALI RAWTHER, RESIDING AT KAITHAVANA, THAMARAKULAM P.O., PIN-690 530, ALAPPUZHA. 2 SHAMEEN M., AGED 42 YEARS, S/O. MOHAMMED SALI RAWTHER, RESIDING AT KAITHAVANA, THAMARAKULAM P.O., PIN-690 530, ALAPPUZHA. BY ADVS. A.MOHAMMED SAVAD ARUN BABU T.R.VISHNU RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001. 2 COMPETENT AUTHORITY, (UNDER SECTION 7 OF THE BANNING OF UNREGULATED DEPOSIT SCHEMES ACT, 2019), SECRETARY, HOME DEPARTMENT, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. 3 DISTRICT COLLECTOR, ALAPPUZHA, 1ST FLOOR, COLLECTORATE, ALAPPUZHA-688 001. 4 M/S. SAAN POPULAR FINANCE PVT. LTD., HAVING ITS REGISTERED OFFICE AT NO. 3/1831/6(B), 3RD FLOOR, HRIDYAM ARCADE, ASWINI JUNCTION, THRISSUR - 680

W.P.(C) NO.29681 OF 2022 2 022, REPRESENTED BY ITS MANAGING DIRECTOR. OTHER PRESENT: ADV.K.R.RENJITH WITH AAG THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C) NO.29681 OF 2022 3 V.G.ARUN J. ----- W.P.(C) No.29681 of 2022 ----- Dated this the 12th day of January 2023

JUDGMENT

The petitioners have leased out their building to M/s. Saan Popular Finance Pvt. Ltd., a sister concern of M/s. Popular Finance. Based on allegation that M/s. Popular Finance and its sister concerns had defrauded depositors and investors, the police registered crimes against those entities and the directors/partners. As part of the investigation, the registers and computers of M/s. Popular Finance and its sister concerns were attached and the buildings in which their offices were functioning, including the petitioners' building, brought under lock and key. The grievance raised in this writ petition is that, the leased out premises are not returned to the petitioners' possession even after completing the investigation.

2. Heard, learned Counsel for the petitioners and the learned Government Pleader.

3. In order to explain the procedure adopted for releasing the

attached properties, learned Government Pleader drew attention to paragraphs 2 to 4 of the 3rd respondent's counter affidavit extracted W.P.(C) NO.29681 OF 2022 4 hereunder; "2. As per the issuance of the letter No.SC3/88/2020 dated 10/11/2021 from the competent Authority under BUDS Act, issued an order to the District Collector for the provisional attachment of the properties of M/s. Popular Finance Company Ltd., and its allied institutions within the district and to file an application with particulars of the attachment effected before the Designated Court for making the provisional attachment absolute.

3. In order to implement the order, 9 teams under the

leadership of Tahsildars were formed as per the proceedings dated 16/12/2021 and inspection were conducted at 19 branches. The inspection teams in the presence of concerned Station House Officers, opened the branches and seized gold ornaments, cash, currency etc.kept in the branches and also prepared an inventory list and mahazar of the items seized. The seized valuable items were also kept in safe custody and a report in this regard was sent by the inspection teams to this office with supporting documents.

4. After the provisional attachment made, details of

valuable seized was given to the District Government Pleader as letter dated 21/02/2022 to file an application before the W.P.(C) NO.29681 OF 2022 5 Designated Court to make the provisional attachment absolute. Also the claim petitions received in respect of M/s.Popular Finance Ltd, were forwarded to the Government Pleader to file before the Designated Court." In the light of the statements, the writ petition is disposed of, directing the District Collector to pursue the application for lifting the attachment over petitioners' property. So that orders can be obtained and possession handed over to the petitioners within an outer limit of six months. Sd/- V.G.ARUN JUDGE dpk W.P.(C) NO.29681 OF 2022 6 APPENDIX OF WP(C) 29681/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF RECEIPT DATED 13.01.2022

EVIDENCING THE PAYMENT OF BUILDING TAX PAID BY THE PETITIONERS, PERTAINING TO BUILDING NO. TP/XIII/347C.

Exhibit P2 TRUE COPY OF LEASE AGREEMENT DATED 13.11.2017 EXECUTED BETWEEN THE PETITIONERS AND THE 4TH RESPONDENT. Exhibit P3 TRUE COPY OF ORDER BEARING NO. DCALP/ 8493/ 2020-N5 DATED 16.10.2020 ISSUED BY THE 3RD RESPONDENT. Exhibit P4 TRUE COPY OF LAWYER NOTICE SENT VIA EMAIL DATED 31.08.2022 ADDRESSED TO THE 2ND AND 3RD RESPONDENTS. Exhibit P5 TRUE COPY OF JUDGMENT DATED 04.01.2022 IN WP(C) NO. 1642 OF 2022 OF THIS HON'BLE COURT.

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