

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Special Original Jurisdiction )

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

THE HON'BLE MS.INDIRA BANERJEE, THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

WP No.8084 & 18371 of 2017

[PETITIONERS in WP No.8084/17]

- 1 K.RAMAMURTHY
- 2 V.NAGAMMAL
- 3 A.ROSEMARY
- 4 R.SHANTHI
- 5 S.PADHMA
- 6 R.SARASWATHI
- 7 H.SUJATHA
- 8 D.SELVI
- 9 V.ANITHA
- 10 M.ALAMELU
- 11 M.PARASURAMAN
- 12 P.N.DEVARAJ
- 13 B.MURUGAN
- 14 I.TAMILARASI
- 15 R.PANJAVARNAM
- 16 SASIKALA.S.
- 17 R.SATHYA
- 18 V.THILAGAVATHY
- 19 K.GUNASUNDHARI
- 20 K.PUSHPA

ALL THE ABOVE 1 TO 20 ARE REP. BY POWER  
AGENT MRS.K.JAYANTHI NO.133 PALLA STREET  
THERAKKOIL VILL. SATHAPOONDI POST  
THIRUVANNAMALAI

21 MRS.K.JAYANTHI

V.JANARTHANAN [PETITIONER IN WP.No.18371/2017]  
MANAGING DIRECTOR DISC  
ASSETS LEAD INDIA LTD OLD NO.59/1,  
NEW NO.119 CANAL BANK RD  
C.I.T. NAGAR CHENNAI 35

VS

ch0014947

1 THE SECURITIES EXCHANGE BOARD [RESPONDENT in WP No.8084/2017]  
OF INDIA SOUTHERN REGIONAL  
OFFICE AT OVERSEAS TOWERS  
7TH FLOOR NO.756-L ANNA  
SALAI CHENNAI-2

2 THE INSPECTOR GENERAL OF  
REGISTRATION NO.100 SANTHOME  
HIGH ROAD PATTINAPAKKAM CHENNAI-28

3 THE INSPECTOR OF POLICE  
E.O.W.II VISWANATHAPURAM MADURAI 625 104

4 DISC ASSETS LEAD INDIA LTD.  
REP. BY ITS MANAGING DIRECTOR  
MR.V. JANARTHANAN REG. OFFICE  
AT OLD D.NO.59/1 (NEW NO.119)  
CANAL BANK ROAD CIT NAGAR  
CHENNAI-35

5 M/S.M.V.T.ANTHONASAMI(M/46)  
THE SECRETARY DISC ASSET LEAD INDIA LTD  
INVESTORS WELFARE ASSOCIATION NO.1-64-1  
MAIN ROAD VISWANATHAPURAM SHENCOTTAI  
TIRUNELVELI DISTRICT.

(R5 IMPEALED AS PER ORDER  
DT 18.7.2017 BY CJMSJ IN WMP.NO.11894/2017  
IN WP.NO.8084/2017)

6 M/S.V.JANARDHANAN,

7 M/S. N.ARUN,

8 M/S. C.SRINIVASAN,

(R6 TO R8 PRESENT DIRECTORS IMPEALED AS PER ORDER DT. 24.10.2017  
BY CJMSJ IN WP.8084 & 18371/2017)

9 M/S. M.N.UMASHANKER,

10 M/S. S.JEEVALATHA,

11 M/S. T.SHYAM CHANDER,

(R9 TO R11 PAST DIRECTORS IMPEALED AS PER ORDER DT. 24.10.2017 BY  
CJMSJ IN WP.8084 & 18371/2017)

ch0014948



1 THE SECURITIES & EXCHANGE [RESPONDENTS in WP.18371/2017]  
BOARD OF INDIA PLOT NO.C4-A.  
G BLOCK BANDRAKURLA COMPLEX  
BANDRA (EAST) MUMBAI 400 051

2 THE SECURITIES APPELLATE  
TRIBUNAL(SAT) EARNEST HOUSE 14TH FLOOR  
NCPA MARG NARIMAN POINT MUMBAI

3 THE SECURITIES EXCHANGE  
BOARD OF INDIA SOUTHERN REGIONAL OFFICE AT  
OVERSEAS TOWERS 7TH FLOOR 756-L ANNA  
SALAI CHENNAI 2

4 THE INSPECTOR GENERAL OF  
REGISTRATION (APPELLATE AUTHORITY) SANTHOME  
HIGH ROAD CHENNAI 600 028

5 THE SUB REGISTRAR  
O/O. THAMARAIPATTI SUB REGISTRAR OFFICE  
THAMARAIPATTI MADURAI

6 THE SUPERINTENDENT OF POLICE  
E.O.W-II UNIT GUINDY CHENNAI 600 032

7 THE INSPECTOR OF POLICE  
E.O.W-II VISWANATHAPURAM MADURAI-14

8 M/S.V.JANARDHANAN,

9 M/S. N.ARUN,

10 M/S. C.SRINIVASAN,

(R2 TO R10 PRESENT DIRECTORS IMPEADED AS PER ORDER DT. 24.10.2017  
BY CJMSJ IN WP.8084 & 18371/2017)

11 M/S. M.N.UMASHANKER,

12 M/S. S.JEEVALATHA,

13 M/S. T.SHYAM CHANDER,

(R11 TO R13 PAST DIRECTORS IMPEADED AS PER ORDER DT. 24.10.2017 BY  
CJMSJ IN WP.8084 & 18371/2017)

Writ Petitions under Article 226 of the Constitution of India  
praying that in these circumstances stated therein and in the  
respective affidavits filed therewith the High Court will be  
pleased to

ch0014949



1) issue a WRIT OF MANDAMUS or any other WRIT, ORDER or DIRECTION in the nature of a WRIT by directing the respondents 1 to 3 to allow the sale of the assets of the 4th respondent through an Honourable Retired Judge of this Honourable court or an Advocate Commissioner appointed by this Honourable court to settle the depositors of the 4th respondent (in WP No.8084 of 2017) and

2) issue a WRIT OF certiorarified mandamus to call for the entire records pertaining to the proceedings of the 6th and 7th respondent in C.No.40/DSP/EOW-II/MDU/2015 dt.14.07.2015 (signed on 6.6.2016) and C.No.98(DISC)/DSP/EOW-II/MDU/2017 dated 4.5.2017 and quash the same and consequently direct the 1st respondent SEBI to consider and pass order on our representations dated 17.10.2016, 19.10.2016 and 23.01.2017 and further direct to grant permission to the petitioner herein to proceed with the sale of the scheme properties and also permit the petitioner company to register sale deeds in favour of the third parties and eligible persons who deposited the amount for land from the petitioner company in the presence of the arbitrator appointed by Hon'ble High Court Hon'ble Mr.Justice G.M.Akbar ali, (Retd.,) appointed in WP.8084/2017 by orders dated 04.04.2017 on the file of this Hon'ble court and pay the sale consideration to the depositors on seniority basis in the presence of the sale consideration to the depositors on seniority basis in the presence of the said arbitrator (in WP No.18371 of 2017);

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.T.MAHENDRAN, Advocate for the petitioner in WP.8084/2017 and of M/S.P.BAGYALAKSHMI FOR PETITIONER in WP.18371/2017 and of MS.LESI SARAVANAN Advocate for the respondent Nos.4 & 6 in each of the petitions the court made the following order:-

Applications for stay/modification of the order dated 11.10.2017 and the application filed against the letter dated 21.12.2017 of the Committee, were rejected by this Court by an order dated 24.01.2018.

2.Pursuant to the order dated 20.12.2017, the Revenue Secretary of the State Government has nominated two of his nominees as Committee members. It, however, appears that the second and third directions contained in the said order are yet to be complied with.

3.Ms.Lesi Saravanan, learned counsel appearing on behalf of Respondent Nos.4 and 6, submits that a Demand Draft of Rs.5,56,000/- has been forwarded to the Committee administering Disc Assets Lead (India) Limited, pursuant to the orders of this Court. Mr.M.S.Krishnan, however, submits that no such bank draft has yet been received.

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4. Ms. Lesi Saravanan submits that the Managing Director has requested the Committee to recover the balance amount of Rs.4,44,000/- by encashing mutual fund deposits. There was a specific direction on the Managing Director to transfer cash of Rs.10,00,000/-. The balance Rs.4,44,000/- will also have to be deposited.

5. There was a direction that the Company might sell shares in which the Company had invested. The Company has a Demat account with M/s. Chola mandalam Securities Ltd. M/s. Chola mandalam Securities Ltd. is directed to sell the shares and deposit the proceeds thereon in the joint account of the Committee. Since the sale is on account of the Company which has a Pan Card, there can be no question of insistence of any separate Pan Card in the name of the Committee or Pan Card of any of the Committee members.

6. Let the matter be listed 'for orders' as the first matter on 20.03.2018 for production of proof of delivery of the Bank Draft. //

7. It is submitted that numerous applications are being filed in relation to the Company and/or its Directors in the Madurai Bench of the High Court. All matters pertaining to Disc Assets Lead (India) Ltd. and/or its erstwhile Directors and/or present Directors shall be transferred to the Principal Bench and any further applications shall also be filed before this Bench. The Registry of the Madurai Bench of this Court shall not entertain any applications relating to Disc Assets Lead (India) Ltd. or any of its Directors or erstwhile Directors in the Madurai Bench.

-sd/-

16/03/2018

/ TRUE COPY /

*16-3-18*  
Sub-Assistant Registrar ( Statistics / C.S. )  
High Court, Madras - 600 104.

TO

1 THE HON'BLE MR. JUSTICE  
N. PAUL VASANTHAKUMAR,  
CHIEF JUSTICE (RETD)  
JAMMU AND KASHMIR HIGH COURT,  
ASHIRWAD NO. 24 A 2<sup>ND</sup> STREET,  
KAMARAJ AVENUE, ADYAR CHENNAI 20  
(BY SPECIAL MESSENGER)

2 THE HON'BLE THIRU JUSTICE  
MR. G. M. AKBAR ALI (RETIRED)  
COURT COMMISSIONER, NO. 6,  
9TH CROSS STREET, SENTHIL NAGAR,  
KOLATHUR, CHENNAI-99.

ch0014951

3 THE REGIONAL DIRECTOR  
THE SECURITIES EXCHANGE BOARD  
OF INDIA, SOUTHERN REGIONAL OFFICE  
AT OVERSEAS TOWERS, 7TH FLOOR,  
NO.756-1, ANNA SALAI, CHENNAI-02.

4 THE SECURITIES & EXCHANGE BOARD  
OF INDIA, PLOT NO.C4-A,  
G BLOCK, BANDRAKURLA COMPLEX,  
BANDRA (EAST), MUMBAI 400 051.

5 THE SECURITIES APPELLATE  
TRIBUNAL (SAT) EARNEST HOUSE 14TH FLOOR  
NCPA MARG NARIMAN POINT MUMBAI.

6 THE ADDITIONAL COMMISSIONER OF  
LAND ADMINISTRATION,  
EZHILAGAM, CHEPAUK, CHENNAI-05.

7 THE REVENUE SECRETARY  
GOVT. OF TAMIL NADU  
FORT ST. GEORGE, CHENNAI-09.

8 THE ADDITIONAL DIRECTOR GENERAL OF POLICE  
ECONOMIC OFFENCES WING, CHENNAI.

9 THE INSPECTOR GENERAL OF  
REGISTRATION, NO.100, SANTHOME HIGH ROAD,  
PATTINAPAKKAM, CHENNAI-28

10 THE INSPECTOR OF POLICE  
E.O.W.II VISWANATHAPURAM,  
MADURAI 625 104

11 THE INSPECTOR GENERAL OF  
REGISTRATION (APPELLATE AUTHORITY )  
SANTHOME HIGH ROAD, CHENNAI-28.

12 THE SUB REGISTRAR  
O/O. THAMARAIPATTI SUB  
REGISTRAR OFFICE, THAMARAIPATTI, MADURAI

COPY TO

THE REGISTRAR JUDICIAL  
HIGH COURT, CHENNAI -104.

THE REGISTRAR JUDICIAL  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ch0014952



M/S.B.KUMAR, SENIOR ADVOCATE,  
AMICUS CURIAE,  
HIGH COURT, CHENNAI-104.

M/S.R.VIJAY NARAYAN, SENIOR ADVOCATE,  
AMICUS CURIAE,  
HIGH COURT, CHENNAI-104.

M/S.M.S.KRISHNAN SENIOR ADVOCATE,  
AMICUS CURIAE,  
HIGH COURT, CHENNAI-104.

M/S. C.MANISHANKAR,  
ADDITIONAL ADVOCATE GENERAL  
HIGH COURT MADRAS.

THE SUPERINTENDENT OF POLICE  
E.O.W.II VISWANATHAPURAM,  
MADURAI 14.

C.C. to M/S.T.MAHENDRAN Advocate on payment of necessary charges.

C.C. to M/S.P.BAGYALAKSHMI Advocate on payment of necessary charges.

Order

in  
WP No.8084 & 18371 of 2017

Date :16/03/2018

From 26.2.2001 the Registry is issuing certified  
copies of the Interim Orders in this format  
T.R (25/10/2017)KP(27.12.2017)  
VS 16.03.2018 (I.T)

ch0014953