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Before Shri R.S. Virk, District Judge (RETD.)

appointed to hear objections/representations in the matter of PACL Ltd.
(as referred to in the orders dated 15/11/2017, 13/04/2018 and 02/07/2018
of the Hon'ble Supreme Court in civil appeal no. 13301/2015 Subrata Bhattacharya Vs SEBI,
and notified in SEBI Press release no. 66 dated 08/12/2017).

File no. 575

MR No. 28836-16, 11806-16 and 11803-16

Objector : Sri S. Sabapathy s/o S. Palaniappan, Tamilnadu

Argued by : Sri R. Karupiah, Advocate, Tamilnadu (Enl. No. M.S.3252/10)

Order :

1. It may be noticed at the outset that vide order dated 02/02/2016, passed in civil appeal no. 13301/2015 bearing the title Subarata Bhattacharaya Versus Securities & Exchange Board Of India, the Hon'ble supreme court had directed constitution of a committee by SEBI to be headed by Hon'ble Mr. Justice R.M. Lodha former Chief Justice of India as its Chairman for disposing of the land purchased by PACL so that the sale proceeds recovered there from can be paid to the investors who have invested their funds in the company for purchase of the land.
2. The objector above named by way of the petition in hand filed through his advocate Sri R. Karupiah seeks delisting from attachment the five properties details whereof are as hereunder:-

| S.No. | Survey No. | Area in acres | Seller | Purchaser | Sale deed no. | MR No. |
|-------|------------|---------------|-------------|--------------|---------------|----------|
| 1 | 260/1A | 2.40 | M. Mohanraj | P. Sabapathy | 3508/2012 | 28836/16 |
| 2 | 260/1B | 2.54 | M. Mohanraj | P. Sabapathy | 3508/2012 | 11806/16 |
| 3 | 294/1A | 1.19 | M. Mohanraj | P. Sabapathy | 3508/2012 | 11806/16 |
| 4 | 294/1B1 | 1.52 | M. Mohanraj | P. Sabapathy | 3508/2012 | 11806/16 |
| 5 | 300/2 | 3.98 | M. Mohanraj | P. Sabapathy | 3508/2012 | 11803/16 |

3. It is claimed that the above detailed land was purchased by the objector Sri S. Sabapathy from one M. Mohanraj vide registered sale deed no. 3508/12 dated 28/06/2012 (which is in tamil language and translation whereof is appended thereto) for an amount of Rs.5,81,500/- which M. Mohanraj above named on his part had earlier purchased the said land alongwith other lands from S. Sundaram and eleven others

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vide sale deed no. 2993/2011 dated 19/04/2011 (which is also in tamil language and English translation whereof is appended thereto) for an amount of Rs.19,56,286/-.

4. It is claimed that mutation of aforesaid purchase also stands entered in the revenue record in favour of the objector herein and therefore the attachment of the above properties is liable to be withdrawn because the objector is bonafide purchaser and in lawful possession thereof.
5. The English translation of sale deed no. 3508/12 dated 28/06/2012 mentions that the amount of sale consideration viz, Rs. 5,81,500/- was paid **in cash** by the objector to the above named vendor M. Mohanraj and similarly as per English translation of sale deed no. 2993/2011 dated 19/04/2011, the amount of sale consideration therein to the tune of Rs. 19,56,286/- paid by the above named M. Mohanraj to the previous owners P. Sundaram and eleven others already stood paid to them as so acknowledged in the said sale deed.
6. (a) A perusal of entries in the MR register reveal that out of the above described five properties detailed in para 2 of this order above, the land measuring 2.40 acres comprised in Survey No. 260/1A alongwith some other land detailed therein was transferred by one T. Sridharan s/o Thoththari Sathandi Ayyar & others in favour of one Durgacharan Das vide registered sale deed no. 829/07 dated 21/02/2007 for an amount of Rs. 4,27,955/-, illegible photocopy whereof has been produced in the file. However, no copy of any further sale deed which may have been executed by the above named Durgacharan Das in favour of any person or M. Mohanraj above named been produced on record for which reason there cannot be considered to be any legally valid transfer of the said land by M. Mohanraj in favour of the objector above named.

(b) Similarly, as per the said register, out of the above described five properties detailed in para 2 of this order above, the land measuring 2.54 acres comprised in Survey No. 260/1B and 1.19 acres comprised in Survey No. 294/1A as well as 1.52 acres comprised in Survey No. 294/1B1 alongwith some other land detailed therein was transferred by one Maheswari d/o Sampathukumar & others in favour of Murlidhar Nayak vide registered sale deed no. 830/07 dated 21/02/2007 for an amount of Rs.4,81,040/-, photocopy whereof has been produced in the file. However, no copy of any further sale deed which may have been executed by the above named Murlidhar Nayak in favour of any person or M. Mohanraj above named been produced on record for which reason there cannot be considered to be any legally valid transfer of the said land by M. Mohanraj in favour of the objector above named.

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(c) Similarly, as per the said register, out of the above described five properties detailed in para 2 of this order above, the land measuring 3.98 acres comprised in Survey No. 300/2 alongwith some other land detailed therein was transferred by one Vellammal d/o Samuthiram Naickkar & others in favour of Mohanee Mohan Das vide registered sale deed no. 839/07 dated 21/02/2007 for an amount of Rs.4,54,570/-, photocopy whereof has been produced in the file. However, no copy of any further sale deed which may have been executed by the above named Mohanee Mohan Das in favour of any person or M. Mohanraj above named been produced on record for which reason there cannot be considered to be any legally valid transfer of the said land by M. Mohanraj in favour of the objector above named.

7. Due to non production of any transfer document by Durgacharan Das, Murlidhar Nayak and Mohanee Mohan Das in favour of M. Mohanraj above named, there cannot be considered to be any legally valid transfer of the said land by M. Mohanraj in favour of S. Sabapathy the objector herein for which reason production of certificate of encumbrance on property regarding transfer of title by M. Mohanraj in favour of the objector herein is inconsequential.

8. In view of the foregoing discussion, the objection petition in hand is liable to be and hereby dismissed.

Date : 18/10/2018


R. S. Virk
Distt. Judge (Retd.)

Note:

Two copies of this order are being signed simultaneously, one of which shall be retained on this file whereas the other one, also duly signed, shall be delivered to the objector as and when requested /applied for. No certified copies are being issued by this office. However, the orders passed by me can be downloaded from official website of SEBI at www.sebi.gov.in/PACL.html.

Date : 18/10/2018


R. S. Virk
Distt. Judge (Retd.)