

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. _____ OF 2021
IN
CIVIL APPEAL NO. 13301 OF 2015**

IN THE MATTER OF:

Subrata Bhattacharya ...Appellant

Versus

Securities Exchange Board of India & Ors ...Respondents

AND IN THE MATTER OF:

K. N. Balaji ...Applicant

I.A. NO. _____ OF 2021:

**APPLICATION FOR IMPLEADMENT OF APPLICANT –
K.N. BALAJI AS RESPONDENT IN CIVIL APPEAL
NO.13301 OF 2015**

**PAPER BOOK
(FOR INDEX KINDLY SEE INSIDE)**

ADVOCATE FOR THE APPLICANT:

MS. MADHUSMITA BORA

INDEX

S. NO.	PARTICULARS	PAGE NOS.
1.	<u>I.A. NO.</u> <u>OF 2021:</u> Application for impleadment of Applicant – K.N. Balaji as Respondent in Civil Appeal No.13301 of 2015 along with affidavit.	1-8
2.	Vakalatnama	9

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MOST RESPECTFULLY SHEWETH:

1. That the Applicant is the absolute owner of vast areas of Agricultural lands situated in the villages of R. Pudhukkottai and Kolathupatti Villages of Veda Sandur Taluk (Tehsil), Dindigul District, Tamil Nadu, situated within the registration district of Palani and Sub-Registration district of Kujiliamparai. The Applicant is continuing to be in absolute possession and

enjoyment of the same by carrying out cultivation activities. That the Applicant is preferring the present application being an affected party, and hence necessary party to be impleaded as Respondent in the instant Civil Appeal.

2. That for the sake of brevity and better understanding, brief facts are explained as follows: -
 - (a) That the Applicant is in possession and enjoyment of the lands owned by him. This fact is confirmed by mutation of revenue records in his favour in Patta No. 3420 issued by the Tahsildar, Veda Sandur. Uninterrupted possession, enjoyment and ownership continues to be with the Applicant, who is carrying on cultivations in the said lands, being in possession and custody of all the documents of title, including the parent documents.
 - (b) That by way of void transactions the same property is claimed to be conveyed in favour of one Mr. Palanisamy and hence the properties are deemed to be owned by

the Company, M/s. PACL Ltd. and hence brought for auction.

- (c) That the alleged sales in favour of Mr. V. Palanichamy, by one of the delegated Power Agent and registered after the cancellation of Power of Attorneys of the principal attorney, is void transaction and does not convey any title in favour of the said Mr. V. Palanichamy. The Power of Attorney delegated is in favour of four persons, whereas the Sale Deed is executed by only one among them and not the three agents. Further delegation of Power of Attorney is on a recital that sale deed is required to be registered in favour of a company by name, M/s. PGB Ltd or a nominee of the said company. On the contrary, only one person executes the Sale Deed without the other two agents joining and furthermore executes it to an individual in deference to the Power of Attorney.

- (d) That the Applicant as stated earlier is the absolute owner in possession and enjoyment of a larger extent of land including the aforesaid properties sought to be auctioned. The Applicant came to know of such claim to the property in favour of Mr. V. Palanichamy on 06.12.2019, when the District Collector referring to a communication dated 24.04.2017 of the Committee appointed by this Hon'ble Court, intimated the Subordinate Revenue Authority of the impending auction of the property. The details of which were obtained by the Applicant on an RTI inquiry.
- (e) That the Applicant immediately thereafter ascertained the facts and as per the order of this Hon'ble Court made his objections to the proposed auction of the properties, to Mr. R.S. Virk, District Judge (Retd.) appointed to enquire into the objections and decide the matter.
- (f) That the objections of the Applicant herein was dismissed primarily referring to certain shortcomings in

the averments put forth in the objection petition unmindful of the fact that the errors were typographical errors in filing the translated documents. All the relevant documents had been placed for consideration and in spite of the sale deeds in favour of the Applicant herein having been produced, a finding is rendered that the Objector has not furnished sale deed which is claimed to have been executed in his favour nor any copy thereof produced on record.

(g) That being aggrieved the Applicant has approached this Hon'ble Court by way of filing an application for direction and for setting aside of the order dated 03.12.2020 in File No.742 MR Nos.11808-16 to 11810-16 on the file of Shri. R.S. Virk, District Judge (Retd.).

3. That in view of the facts and circumstances mentioned herein above, it becomes imperative that the Applicant may be impleaded as Respondent in the instant Civil Appeal.

4. That the present application is bona fide and moved in the interest of justice.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Allow the present application; and
- b) Permit the Applicant to be impleaded as Respondent in Civil Appeal No.13301 of 2015; and
- c) Pass such other or further order(s) as may be deemed fit and proper in the facts and circumstances of the instant case.

FILED BY:



(MADHUSMITA BORA)
Advocate for the Applicant

Filed on: 08.03.2021

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CIVIL APPELLATE JURISDICTION**

I.A. NO. _____ OF 2021

IN

CIVIL APPEAL NO.13301 OF 2015

IN THE MATTER OF:

Subrata Bhattacharya

...Petitioner

Versus

Securities and Exchange Board of India & Ors

...Respondents

AND IN THE MATTER OF:

K. N. Balaji

...Applicant

AFFIDAVIT

I, K. N. Balaji, S/o Shri. K V L Narasimhulu, aged about 45 years, R/o 2FA, Jain Sukriti Flats, Redipallayam Road, Opposite to Fashion Look, Mogappair West, Chennai-600037, Tamil Nadu, do hereby state as under:-

1. That I am the Applicant in the above mentioned matter and as such fully conversant with the facts and circumstances of this case, hence competent to swear this affidavit.
2. That I have gone through the contents of the accompanying Application (Pages 1 to 6) and the same are true and correct to the best of my knowledge and no part of it is false and



K. N. Balaji

nothing material has been concealed there from. The Contents of the Application has been explained to me in Vernacular Language and I have understood the same.

3. That the Annexures are the true copies of their respective originals and are essential parts of the records.
4. That the facts stated above affidavit are true and correct and no material has been concealed there from.

Verified at Chennai on this 22nd day of February, 2021




DEPONENT

VERIFICATION:-

I deponent above named state that this is my name and signature, and what is stated in paragraphs 1 to 4 are true and correct as of my knowledge and belief. No material facts have been concealed.




22/2/21
S.N. NARASIMHULU, M.A., B.L.,
ADVOCATE & NOTARY
COMMISSIONER OF OATHS
New No.346, Old No.161, Thambu Chetty Street,
CHENNAI - 600 001.


DEPONENT