



**AUCTION SALE OF IMMOVABLE PROPERTY(CINEMA THEATRE)  
SITUATED AT MADURAI**

Notice is hereby given that the offices of the undersigned have proposed to conduct an auction as per the provisions laid down in 2<sup>nd</sup> schedule of Income Tax Act, 1961 and sale of immovable property namely **Jeyam Theatre, which belongs to Smt M. Jeya W/o (Late)D. Mayandi Thevar, Shri D.M. Maheswaran, Son of Smt.M. Jeya and Shri D.M. Venkateswaran, Son of Smt.M. Jeya** residing at Door No.9, A.A. Road, Gnanaolivupuram, Madurai -625 016, being Income tax defaulters, for the purpose of recovery of Income Tax arrears of all the three totally Rs.2,17,34,019/- (including interest and cost).

DATE & TIME OF AUCTION	11.10.2018 @ 11.00 A.M. (11 <sup>th</sup> October, 2018)
VENUE OF AUCTION	Room No.310, Conference Hall, III Floor, Annex Building, Income Tax Office, No.2, V.P.Rathinasamy Nadar Road, Bibikulam, Madurai -625 002

The details of the property are as under:-

Name and Address of the property	Description of the property	Approximate Market value (in Rupees)	E.M.D. in Rupees
<b>Jeyam Theatre, (earlier Nataraj Theatre), By-pass Road, Palanganatham, Madurai</b>	Area: 51.24 cents ( Land and Theatre Building ) R.S. No.155/4A1, 155/4A2 and 155/5A , Madakulam Village (Now Madurai Corporation), Madurai	<b>Rs.4,25,88,000/-</b> (Rupees four crores twenty five lakhs eighty eight thousand only)	<b>Rs. 3,50,000/-</b>

1. The intending bidders are required to deposit **Rs.3,50,000/-**(Rupees three lakhs fifty thousand only) as **Earnest Money Deposit by means of Demand Draft in favour of "Tax Recovery Officers 1 & 2, Madurai"** drawn on any **scheduled Bank payable at Madurai** before the beginning of actual auction proceedings, which is refundable.
2. The Property will be Auctioned on "**as is where is and what is there is basis**"
3. The details of the property and the copy of the encumbrance certificate can be perused at the office of the undersigned on any working day prior to auction, after fixing a prior appointment with the undersigned during office hours.
4. Detailed terms and conditions of the auction sale may be obtained from **the offices of the undersigned during office hours or can be downloaded from the following websites : [www.incometaxindia.gov.in](http://www.incometaxindia.gov.in) / [www.tnincometax.gov.in](http://www.tnincometax.gov.in)**

  
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**Place: Madurai**  
**Date: 28/09/2018**



**GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
INCOME TAX DEPARTMENT  
Office of the Tax Recovery Officer -1 & 2, Madurai  
No.2 V.P. Rathinasamy Nadar Road, Bibikulam,  
Madurai Tel. No. [0452-2530571](tel:0452-2530571)**

**AUCTION SALE OF IMMOVABLE PROPERTY SITUATED AT MADURAI**

**TERMS & CONDITIONS FOR THE PUBLIC AUCTION OF THE IMMOVABLE  
PROPERTY (CINEMA THEATRE) IN THE CASE of Smt M. Jeya, Shri D.M.  
Maheswaran and Shri D.M. Venkateswaran, 9-AA Road, Arasaradi, Madurai**

<b>NAME &amp; ADDRESS OF THE PROPERTY</b>	<b>JEYAM THEATRE, (earlier Nataraj Theatre), By-pass Road, Palanganatham, Madurai</b>
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**TERMS & CONDITIONS**

1. The auction shall be conducted by **Shri BADITHA POTHU RAJU**, Tax Recovery Inspector, O/o TRO-1, Madurai and **Shri P. MARIAPPAN**, Tax Recovery Inspector, O/o TRO-2, Madurai at Room No. 310, Conference Hall, III Floor, Annex Building, Income Tax Office, No. 2, V.P. Rathinasamy Nadar Road, Bibikulam, Madurai 625 002 on 11/10/2018 (11th October, 2018) at 11.00 A.M.
2. As on **11th October, 2018** (date fixed for the auction sale) there will be due from Smt M. Jeya, Shri D.M. Maheswaran and Shri D.M. Venkateswaran (hereinafter referred to as Defaulters) residing at No. 9-AA Road, Arasaradi, Madurai, sum of **Rs.1,12,85,694/-**, **Rs.65,26,153/-** and **Rs.39,22,172/-** towards Income Taxes due, interest and expenses respectively.
3. The Property is sold on ‘**as is where is and what is there is**’ basis.
4. The intending bidders can have inspection of the property/inspection of the documents relating to the auction sale of the property by way of prior appointment. The property may be inspected on Monday dated **08/10/2018 from 11.00 am to 3.00 pm.**
5. The reserve price fixed, below which the property may not be sold.  
**“The reserve price fixed is Rs. 3,18,75,000/- (Rupees three crores eighteen lakhs and seventy five thousand only)”**
6. The Valuation Officer, Income Tax Department, Madurai has inspected the property and fixed the approximate **Market price of the property at Rs.4,25,88,000/- (Rupees four crores twenty five lakhs eighty eight thousand only)**
7. The particulars mentioned in the sale proclamation have been stated to the best of the information of this office, but this office shall not be answerable for any error, mis-statement or omission in the proclamation of sale.
8. So far known to this office, there are no other claims, liabilities or encumbrances.
9. So far known to this office, there are arrears of property tax of Rs. 5,71,154/-, Water Charges Rs.9,000/-, Drainage Maintenance Charges Rs. 27,000/-, Professional Tax Rs.11,100/- and : **Totalling Rs. 6,18,254/-** to be paid by the defaulters. If the auction price obtained what is due from the defaulter to the income tax department, then from out of the excess amount such Property tax arrears, other tax arrears, etc., if any, will be paid but if there is no excess such taxes will not be paid, by the department and the purchaser of the property has to take the property, subject to payment of taxes.

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10. The amount by which each bidding is to be increased shall be determined by the Tax Recovery Inspector /appointed auctioneer conducting the sale. In the event of any dispute arising as to the amount of bid, or as to the bidder, the property shall at once be again put to auction.
11. Any person except a minor or lunatic may participate and bid in the auction. Each bidder should be qualified to bid at the auction.
12. No officer or other person having any duty to perform in connection with any sale under this Schedule shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.
13. Biddings and/or purchases of the property by the NRIs are subject to rules and regulations of Reserve Bank of India and other laws for the time being in force.
14. All bidders are required to declare beforehand whether they are bidding on their own behalf or on behalf of third party. When a bidder is acting only as an agent, he has to deposit with the officer supervising the auction, the letter of authority issued to him, **from the said third party, for bidding in the auction.**
15. Each prospective bidder should clearly state the name, address, profession/occupation, age, etc. in the Registration Form, which will be given on the day of auction. Each prospective bidder should clearly state the name & address of himself/herself or the name and address of a third party on whose behalf he/she is bidding.
16. The successful bidder should mention in the bid sheet the correct names of purchaser/purchasers in whose name/names, the property is intended to be transferred. No subsequent change/alteration of the name/names will be allowed.
17. There is a reserve price fixed and if the highest bid is less than this reserve price even though the Tax Recovery Inspectors conducting auction might have knocked down in favour of the highest bidder, the Tax Recovery Officers in his discretion may decline to accept such bid.
18. If the price offered appears to be clearly inadequate also, the Tax Recovery Officer may decline to accept the bid.
19. The Tax Recovery Inspectors conducting the sale shall have the discretion and reserves the right to cancel, postpone or adjourn the sale for any reason subject to the provisions of the Second Schedule to the Income Tax Act, 1961. There is no necessity for fresh proclamation of sale to be issued if the adjournment is for a period of not more than 30 days.
20. Two or more persons also can join together and bid, but they should declare their specific share/ratio at the time of auction. In the absence, it will be deemed they have equal shares/ratio/rights on the property. Only one sale certificate will be issued in case of the said immovable property, however, in their joint names. If the names & shares are mentioned, such persons get right for that share in the property.
21. Intending bidders are required to deposit for participating in the Auction, a refundable Earnest Money Deposit of **Rs. 3,50,000/-**(Rupees three lakhs fifty thousand only) with the **Tax Recovery Inspectors, by means of DD drawn on any Scheduled Bank payable at Madurai, in favour of "Tax Recovery Officers 1 & 2, Madurai", on the date of auction and before the commencement of auction. EMDs** of unsuccessful bidders will be refunded on the conclusion of the auction.

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22. All the bidders should note that in case the full amount of arrears due, for which the proclamation of sale has been given is paid by the defaulters, before the conclusion of the auction, the auction will automatically become cancelled. On no account the bidders can claim any costs, expenses or other compensation for their having attended and participated in the auction. Similarly, in case there is any stay from any authority including the Court, the auction will be postponed or cancelled without any further notice and the persons participating in the auction cannot claim any damages etc., for such postponement.
23. Presence in the auction or participation in the bid shall be deemed to be an acceptance of the conditions specified here.
24. The Tax Recovery Inspectors conducting the auction reserves the right to prevent any individual from participating in the bid if he is satisfied that such an individual's presence may impede the progress of the auction.
25. The successful bidder, will immediately have to pay **25%** of the successful bid amount to the **Tax Recovery Officers - 1 & 2, Madurai** present at the place of auction, by a **Crossed Bankers Pay Order drawn** on any Scheduled Bank payable at Madurai City, in favour of "**Tax Recovery Officers - 1 & 2, Madurai**", on the property being knocked down in his favour in the auction. In case the auction is concluded after the close of Banking hours then the successful bidder will deposit the said sum by way of a crossed **A/c Payee cheque drawn in favour of the "Tax Recovery Officers - 1 & 2, Madurai"**, to be replaced by the crossed Bankers Pay Order on the next working day. In default of payment, the property will be again put up for auction.
26. The full amount of purchase money i.e. balance of 75% of the purchase price together with poundage fees, as stated below, shall be paid to **Tax Recovery Officers - 1 & 2, Madurai**, within 15 days from the end of sale of the property Under no circumstances, this time of 15 days can be extended by any authority.
- a. 2% of the purchase price upto Rs 1,000/- and
  - b. 1% of the purchase price for the amount exceeding Rs 1,000/- will be collected from the purchaser as poundage fees
- If the amount is not so paid then out of the 25% of the amount paid the costs of the auction will be deducted and the balance may be forfeited to the Government according to the discretion of the Tax Recovery Officers.**
27. The sale of immovable property will be confirmed after 30 days and only on the confirmation of the sale it becomes absolute. Before the 30 days, if the entire arrear i.e. the amount specified in the proclamation of Sale in Form No. ITCP 13 is paid by the defaulters, then the sale will become automatically cancelled.
28. For any reason if the sale is not confirmed, but is set aside, then the entire purchase money paid will be refunded to the highest bidder together with interest at such rate as will be allowed by the Tax Recovery Officer and also with an extra 5% of the money in certain circumstances.
29. The entire money paid by the purchaser will not be credited to the Income Tax Department account until confirmation but will be kept with the Tax Recovery Officers themselves under their personal custody and hence, in case the sale is set aside the amount can be refunded immediately without any necessity for issuing a refund order by the concerned Income tax officer(Assessing Officer).

30. After the confirmation of the sale of immovable property, a certificate in Form I.T.C.P 20 will be issued. The original of this sale certificate is liable for stamp duty and a further duty of Rs 4.50 is also chargeable on the copy of the sale certificate to be forwarded to the Sub-Registrar. These charges (which may vary from State to State) are to be borne by the auction-purchaser. **The original sale certificate thus issued will be the title for the property and it has the same value as a Sale Deed and it does not require the Registration by the purchaser. Thus, the auction-purchaser is saved expenses of registration, etc. This office itself will send a copy of the sale certificate for registration to the concerned Sub-Registrar for making necessary entries in his registers.**
31. After confirmation of the sale and after the issue of the sale certificate, the delivery of the immovable property will be made by a beat of drum at the locality announcing that from the date of the sale, it has become absolute and the purchaser has become owner of the property.
32. All expenses of conveyance/ including legal charges, stamp duty and registration fees, as applicable, will have to be borne by the purchaser and paid to the concerned authority within a month of the receipt of a Notice from the Department in this regard. The purchaser will also have to pay outstandings pertaining to the property.
33. In case the property is occupied by any tenant, the tenant cannot be evicted by this office. However, an order will be made declaring the purchaser as the owner of the property from the date the sale has become absolute and a copy of it will be served on 30 days after the sale and affixed on the property and the proclamation will be made by beat of drum. The tenant will automatically become the tenant of the new purchaser and from the date of purchase, if the new purchaser desires to evict the tenant he has to take recourse by himself in accordance with law by approaching the rent controller or other authority. The position regarding the lessee of agricultural lands also is exactly same.
34. In case the property is occupied by the defaulter himself or any other person on his behalf who is not a tenant then the purchaser is at liberty to go and take possession of the property. However, if any resistance is offered either by the defaulter or any person on his behalf, if an application is made by the purchaser under Rule 39 of the Income tax Certificate Proceedings Rules, 1962, then efforts will be taken to put the purchaser in the possession of the property and if need by removing the defaulter or any other person on his behalf who is obstructing the possession of the property.
35. In case of agricultural lands, if there are any standing crops on the lands the land is sold without any right for the standing crops. The standing crops will continue to belong to the person or persons who are the owners thereof in whatever capacity it may be. The purchaser of the land should give access to such owners to render all such operations which are required to ripen the crops and should also give free access to such owners for cutting the crops and removing them after they are fit for harvest.
36. As per the Encumbrance Certificate obtained from the **Sub-Registrar, Joint IV, Palanganatham**, except Income tax dues, no encumbrance is there. Possible efforts will be made to obtain a nil encumbrance certificate from the Sub-Registrar but the purchaser cannot demand as of right for such certificate. Certified Copy of the Sale Deed of the said property may be perused at the office of the Tax Recovery Officer-1 / 2, Madurai, during office hours by the interested parties.
37. The auction sale is as per the provisions of the rules made under Second Schedule to the Income-Tax Act, 1961. The prospective bidder is himself/ herself required to understand them and any law relating thereto.

38. In case of default in payment as per Rule 57 of the Second Schedule to the Income-tax Act, 1961, the procedure laid down in the Second Schedule to the Income-tax, 1961 will be followed and the purchaser will be liable for appropriate action against him/her as laid down in the Second Schedule to the Income-tax Act, 1961. He/She will be answerable on loss of resale, if any. He/ She shall forfeit all claims to the property or to any part of the sum for which it may be subsequently be sold.
39. Where no application is made for setting aside the sale under any rule(s) of the Second Schedule to the Income -tax Act, 1961 or where such an application(s) is/are made and disallowed by the TROs, the TROs shall (if the full amount of the purchase money has been paid) make an order confirming the sale and thereupon, the sale shall become absolute.
40. Where such application is made and allowed, and where, in the case of an application being made to set-aside the sale on deposit of the amount and penalty and charges, the deposit is to be made within thirty days from the date of the sale, the Tax Recovery Officers shall make an Order setting-aside the sale.
41. No clarification in this regard will be given over and above whatever is already on record.
42. Advertisement regarding this Auction Sale is published in the Newspapers, "The HINDU " on 28/09/2018 and in Dinamalar on 01/10/2018.
43. The intended bidders should bring any one of his/her original Identity Card viz. PAN CARD, AADHAR CARD, RATION CARD, VOTER ID, PASSPORT, ETC. at the time of Auction .

#### DESCRIPTION OF THE PROPERTY

In Survey No. 155/4A1, 155/4A2 and 155/5A , out of the total area of 1 Acre 17-3/8 cents, one part on the Western side i.e. **South part measuring 54.21 cents piece and parcel of land and building, a two storied cinema theatre in the name of Jeyam Theatre (Earlier Nataraj Theatre) at Madakulam Village, Bye pass Road, Madurai, belongs to Smt. M. Jeya, Shri D.M. Maheswaran, and D.M. Venkateswaran (Joint owners) (as per Document No.4950/2003 dated 30/09/2003).**

  
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