

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

W.P.Nos.27892 and 27893 of 2014

Citibabu .. Petitioner in
W.P.No.27892/2014

L.Munusamy .. Petitioner in
W.P.No.27893/2014

Vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Cuddalore, Cuddalore District.

2.The Superintendent of Police,
Economic Offence Wing II,
Cuddalore, Cuddalore District. ... Respondents in
both the W.Ps

Petitions filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 2 herein to refund a sum of Rs.1,00,000/- and Rs.2,00,000/- respectively to the petitioner, which was paid by them to the credit of the first respondent herein dated 19.05.2010 and 18.05.2010 along with interest.

For Petitioner .. Mr.Venkataswamy Babu
in both the W.Ps

For Respondents .. Mr.R.Vijayakumar,
Addl. Govt. Pleader

COMMON ORDER

The prayer in the writ petitions is for the issuance of a writ of mandamus directing the respondents 1 and 2 herein to refund a sum of Rs.1,00,000/- and Rs.2,00,000/- respectively to the petitioners, which, according to the petitioners, was paid by them and it is now lying in deposit before the first respondent.

2.The petitioners, in their representations, submitted that each of them made a deposit of Rs.50,000/- to the company named as New Golden Marketing Company and subsequently, they came to know that the

company is a fraudulent company and cheated several depositors and in this regard, a complaint was made to the Commissioner of Police to recover the money deposited by the petitioners with the said company. However, admittedly, the petitioners were also made as accused and according to the petitioners, they were compelled to make a deposit of Rs.1 lakh each before the first respondent and charge sheet was filed against the petitioners in C.C.No.4 of 2012 on the file of the Special Court under TNPID Act, Chennai. The petitioners are said to have filed petitions to discharge them from the case and the Special Court, by order dated 03.01.2014, is said to have discharged the petitioners from the case. With these facts, the petitioners now seek for refund of the amount.

3.In the counter affidavit filed by the second respondent, it is stated that necessary steps have been taken to seek legal opinion about the possibility of refunding the amount to the petitioners since it was a commission amount paid by them, which was collected from the hard earned money of the innocent depositors by the said finance company for introducing 22 legitimate depositors to the defaulted company.

4.In the light of the stand taken by the second respondent, there will be a direction to the first respondent to consider the petitioners representations and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Revenue Officer,
Office of the District Revenue Officer,
Cuddalore, Cuddalore District.
- 2.The Superintendent of Police,
Economic Offence Wing II,
Cuddalore, Cuddalore District.

+ 2 ccs to M/s. Venkataswamy Babu, Advocate sR.91272, 9128
+ 3 ccs to the Government Pleader SR.9421, 94122, 9413

W.P.Nos.27892 & 27893 of 2014

UG (CO)

Eu 10.03.15