

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.17958 of 2014

and

M.P.No.1 of 2014

T.M.Natarajan K.M.Subramani
N.Parameswaran M.Duraisamy All Rep. by
their P.O.A. M.Senthamizhan No.19 Rice
Mill Pudur Nallampatti Village & Post
Perundurai Erode District. ...Petitioner

Vs

- 1 The Sub-Registrar
Thingalur Erode District.
- 2 The Dy. Superintendent of
Police Economic Offence Wing
Erode. ...Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the first respondent to forthwith register the documents for sale presented by the petitioner in re-survey No.16/4 and re-survey No.65 of Chinna Veera Sangali Village Perundurai Erode

For petitioner : Mr. L. Chandra Kumar

For respondents : Mr. R. Vijaya Kumar, AGP

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. In this writ petition, the petitioner claims that he is an employee of Susi Emu Farms and against him criminal cases have been registered and the matter is now seized of by the Special-Court constituted under the provisions of the Tamil Nadu Protection

of Interest of Depositors Act, 1997. The petitioner seeks for a direction to enable him to register the document. From the counter affidavit filed by the second respondent, Deputy Superintendent of Police, Economic Offence Wing, Erode, it is seen that the respondent-Police would state that the accused persons are the real owners of the property and the accused persons have obtained Power of Attorney in the name of the employee and the original owners viz., T.M. Natarajan, K.M. Subramani, N. Parameswaran and M. Duraisamy have executed the Power of Attorney dated 26-03-2012 and also executed a Letter of Undertaking (Varthamana letter). Therefore, the second respondent has treated the properties as the properties of the financial establishment.

3. In the light of the above, if the petitioner states that the property which now he proposes to sell is his individual property, it is for him to establish the same before the Special-Court in C.C.No.10 of 2012. Hence the relief sought for by the petitioner cannot be granted. The writ petition is dismissed. However, the petitioner shall approach the Special-Court and seek for appropriate relief. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The Sub-Registrar
Thingalur Erode District.
- 2 The Dy. Superintendent of
Police Economic Offence Wing Erode.

1 CC to the Government Pleader, SR.No. 14506

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KK (CO)
PSI (27.03.2015)