

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29190 of 2015

Real Estate Kolumatthal Pathikkapatta
Muthalettalar Nala Sangam

rep. By its Secretary, Mr.R.Dhakshinamoorthy
No.72/1, SRB Nagar,
7th Street, Kolathur,
Chennai 600 099.

...Petitioner

..vs..

1. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Head Quarters,
SIDCO Old Corporate Buildings,
First Floor, Garment Complex II,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai 600 032.

2. The Competent Authority,
Collector Office,
Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking a direction to the respondents to take appropriate steps
for attachment of property mentioned in G.O.Ms.No.422, dated
26.05.2015, consequently directing the respondents to take
appropriate steps for disposing of the properties in connection
with Crime No.1 of 2010 on the file of the 1st respondent herein
within a stipulated time.

For Petitioner : Mr.R.Subburaj

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

The present Criminal Original Petition is filed seeking a direction to the respondents to take appropriate steps for attachment of property mentioned in G.O.Ms.No.422, dated 26.05.2015 and for a consequential direction to the respondents to take appropriate steps for disposing of the properties in connection with Crime No.1 of 2010 on the file of the 1st respondent herein within a stipulated time.

2. In the affidavit accompanying the petition, it is stated that the petitioner is a Registered Association and all the members are investors of the accused Company, namely, JBJ Group of Companies across Tamil Nadu. A case was registered in Crime No.9 of 2009 by the Economic Offences Wing-II (in short 'E.O.W.II), Chennai on a complaint given by one A. Selvaraj. Subsequently, another case was registered by E.O.W.II, Chennai against the accused and his Associates based on a complaint given by one T.Ragothaman, Anna Nagar West, Chennai under Sections 341, 352, 420, 506(i) and 5 of TANPID Act against the accused Mr.I.Justin Devadoss @ David, M/s.JBJ City Developers in January 2010.

3. It is further stated therein that the members of the petitioner Sangam and other Depositors were asked by the Commissioner of Police to lodge complaints with E.O.W.II. Accordingly, nearly 3700 complaints were lodged with E.O.W.II, Chennai. Subsequently, the defacto complainant came to know that the accused has cheated so many people to the tune of several crores. Based on the complaint, E.O.W.II registered a case in Crime No.1 of 2010 and arrested Mr.I.Justin Devadoss @ David and his wife Mrs.Bella Justin and remanded to judicial custody. They were arrested during the year 2009 and released on bail later. Since the respondents have not taken any steps to attach the property, the members of the petitioner Association filed Crl.O.P.No.3495 to 3498 of 2012 before this Court for speedy action against the accused and this Court allowed the said petitions.

4. Subsequently, the Government issued G.O.Ms.No.530, dated 13.07.2012. But, the respondent has not taken any steps to attach the G.O. mentioned properties as per TANPID Act. Therefore, one Mr.Pandian filed a direction petition before this Court in Crl.O.P.No.9083/2013 and Crl.O.P.No.17125/2013 for attachment of properties and the same was disposed of by this Court on 10.07.2013 with a direction to the Special Court to dispose of the application as early as possible. Based on the direction of this Court, the respondent's Application for

attachment of property was disposed of by the Hon'ble Special Court (TANPID) on 10.01.2014. But, till date, no money was disbursed to the members of the petitioner Sangam. In the meantime, the Government issued G.O.Ms.No.422, Home (Police XIX) Department, dated 26.05.2015 and made an interim attachment as per Section 3 of TANPID Act. According to the petitioner, as per Section 4(3) of the said Act, it is the duty of the 2nd respondent to file an application before the Special Courts for further course of action viz. Sale and realisation of sale proceeds. As no steps were taken to attach the property as per G.O.Ms.No.422, the petitioner, having no other alternative, has come up with the present Criminal Original Petition.

5. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor for the respondents.

6. Learned Additional Public Prosecutor submitted that necessary steps are taken to make the ad-interim attachment along with the condone delay petition, before the Special Court, TANPID, Chennai in respect of properties in three Districts, viz. Thiruvallur, Tirunelveli and Tuticorin.

7. Taking note of the above submissions, this Court feels it appropriate to direct the respondents to file an appropriate application to attach the properties as per G.O.Ms.No.422, dated 26.05.2015, as early as possible.

This Criminal Original Petition is disposed of with the above direction.

Sd/
ASSISTANT REGISTRAR (CS-II)

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SUB-ASSISTANT REGISTRAR

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To :

1. The Deputy Superintendent of Police,
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SIDCO Old Corporate Buildings,
First Floor, Garment Complex II,
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2. The Competent Authority,
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3. The Public Prosecutor,
High Court, Madras.

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CO-JSV
JD 04/01/2016



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