

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6432 of 2015
and M.P.No.1 of 2015

T.Baby

... Petitioner

vs.

1.The Inspector of Police,
Karumalaikoodal Police Station,
Mettur Taluk, Salem District.

2.The Principal Secretary to Government,
Home (Police XIX) Department,
Fort St. George, Chennai-9.

3.The Competent Authority and
District Revenue Officer,
Salem District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified mandamus to call for the records relating to the order passed by the second respondent in G.O.Ms.No.123, Home (Police XIX) Department dated 19.2.2014 in respect of Gold Thali Chain weighing about 72.360 gms alone and quash the same and direct the respondents 2 and 3 to hand

over the Gold Thali Chain weighing about 72.360 gms to the petitioner.

For Petitioner : Mr.G.Murugendran
For Respondents : Mr.P.Sanjay Gandhi,
Addl.Govt.Pleader

ORDER

The petitioner has come up with the present writ petition, challenging the order passed by the second respondent in G.O.Ms.No.123, Home (Police XIX) Department dated 19.2.2014 in respect of Gold Thali Chain weighing about 72.360 gms alone and to direct the respondents 2 and 3 to hand over the Thali Chain weighing about 72.360 gms to her.

2. It is the case of the petitioner that her husband Thangadurai is the Director of M/s.Baby Emu Farms India Private Limited. Based on the complaint given by one T.Vignesh Kumar as against the petitioner and her husband, the first respondent police registered a case in Crime No.542 of 2012 for the alleged offence punishable under Sections 465, 471, 420, 406 and 120(b) I.P.C. and arrested the petitioner on 9.10.2012. During the course of investigation, the first respondent seized vehicles and Emu birds including the petitioner's Gold Thali Chain weighing about 72.360 gms. Now, she has come forward with the present petition challenging the order passed by the second respondent in G.O.Ms.No.123, Home (Police XIX) Department dated 19.2.2014 in respect of Gold Thali Chain weighing about 72.360 gms alone and to direct the respondents 2 and 3 to hand over the same to her.

3. Today, when the matter was taken up for consideration, learned Additional Government Pleader appearing for the respondents submitted that the competent authority viz., the District Revenue Officer, Special Courts on Attachment, Coimbatore, appointed under TNPID Act, filed an application in O.A.No.29 of 2015 before the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore to make the interim order of attachment passed in G.O.Ms.No.123, Home (Police XIX) Department dated 19.2.2014 absolute and the learned Judge, by order dated 2.7.2015, has passed an order by making the interim order absolute, except the property mentioned in Schedule-II Item No.4 viz., Gold Thali Chain weighing about 72.360 gms.

4. In view of the said submission made by the learned Additional Government Pleader, the petitioner is directed to file an appropriate application before the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore, for return of the Gold Thali Chain weighing about 72.360 gms. By filing such application, the learned Special Judge, Special Court under TNPID Act Cases, Coimbatore is directed to consider the same and pass appropriate orders on merits and in accordance with law. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Inspector of Police,
Karumalaikoodal Police Station,
Mettur Taluk, Salem District.

2.The Principal Secretary to Government,
Home (Police XIX) Department,
Fort St. George, Chennai-9.

3.The Competent Authority and
District Revenue Officer,
Salem District.

4. The Special Judge, Special Court Under
TNPID Act Cases, Coimbatore.

+ 1 cc to Government Pleader Sr.3269/16

VGI(CO)
EU 8.2.16

W.P.No.6432 of 2015



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