

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2017

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.23820 of 2013

and

MP.No.1 of 2013

G.Venkateswaran

...Petitioner

... Vs ...

1.The District Revenue Officer,
Erode District, Erode.

2.The District Revenue Officer,
Salem District, Salem.

3.The Revenue Divisional Officer,
Mettur, Salem District.

4.The Tahsildar,
Mettur Taluk,
Mettur - 636 401.

...Respondents

Writ Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents, their subordinates and persons authorised by them from in any manner disturbing the petitioner's possession and enjoyment of his house property bearing Door No.20/2A-206A-149C, Sowriyammal Nagar, Mettur Town, Salem District, till final orders are passed by the Special Court under Section 7 of the Tamilnadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997.

For Petitioner : Mr.P.Mani

For Respondents : Mr.S.Diwakar,

Special Government Pleader

O R D E R

The petitioner has filed the present Writ Petition for the relief stated above.

2. The learned counsel for the petitioner submitted that the petitioner's grand mother Smt.Rathinammal settled a house property bearing Door No.20/2A-206-149C, Sowriya Ammal Nagar, Mettur Town, Salem District, in favour of the petitioner's name. The petitioner's sister's husband, by name, V.Chellamuthu seemed to have carried on business under the name and style of "Annai Infotech Enterprises" and collected deposits from public and did not return the same to the depositors. On the complaint given by one of the depositors, a criminal case has been registered against his brother-in-law, his ster as well as his father Gurusamy in Crime No.1 of 2010 on the file of the Inspector of Police, Economic Offices, Erode. His father Gurusamy had also been arrayed as one of the accused as if he is one of the partners of the said finance firm. According to the petitioner, his father was not a partner in the Finance Firm run by his brother-in-law, V.Chellamuthu, and his brother-in-law V.Chellamuthu forged the signatures of his father and created the partnership deeds without the knowledge of the petitioner's father. While so, the Government of Tamil Nadu passed G.O.Ms.No.397, Home (Police XIX) Departments dated 4.6.2012 attaching the movable and immovable properties of the partners of the said finance firm under section 3 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997 and appointing the District Revenue Officer, Erode, as the competent authority to proceed further under Sub-Sections 3 and 4 of the said Act for making the order of attachment absolute and for sale of the properties attached. In the order of interim attachment, the aforesaid house property which belonged to the petitioner has also been attached if the said house property belonged to his father Gurusamy. According to the petitioner, he is the absolute owner of the said house property and his father has no right or interest in the said house property. However, the said house property has been attached as if the said property belonged to his father. Hence, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. Assailing the contention of the petitioner, the first has filed a counter affidavit. In the counter affidavit, it is stated that in order to protect the interest of the depositors and in exercise of powers conferred in Section 3 of the Tamilnadu Protection of Interest of Depositors Act, 1997 (Tamil Nadu Act 44/97), the Government issued G.O.Ms.No.397 Home (Police XIX) Department, dated 4.6.2012 attaching the properties specified in the schedule to the said order and transferred the control over the properties to the competent authority. It is further stated that as per the report received from the Sub-Registrar, Mettur, the impugned property has been in the name of Thiru.Gurusamy and he had signed the Partnership Deed and as such, he is one among the partners who committed default. It

is further stated in the counter affidavit that an Interlocutory Application in I.A.No.108 of 2013 has been filed before the Special Court (TNPID), Coimbatore u/s.4(3) of the TNPID Act on 10.9.2013 and the same is pending. Hence, the Writ Petition shall not be entertained and the same deserves dismissal at the hands of this Court.

4. In the light of the facts and circumstances of the case and the submissions made by the learned counsel for the parties that I.A.No.108 of 2013 is pending before the Special Court, under Section 4(5) of the TNPID Act, this Court is not inclined to entertain the Writ Petition. If the petitioner is having any grievance, he can very well approach the Special Court by filing proper application in accordance with law, if he is so advised and accordingly, liberty is granted to the petitioner to approach the Special Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order. Interim order already granted by this Court is extended till then.

5. With the above observation, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

asvm

To

1.The District Revenue Officer,
Erode District, Erode.

2.The District Revenue Officer,
Salem District, Salem.

3.The Revenue Divisional Officer,
Mettur, Salem District.

4.The Tahsildar,
Mettur Taluk,
Mettur - 636 401.

5.The Special Court,
(for TNPID Act cases),
Coimbatore.

+1cc to Mr.P. Mani, Advocate, S.R.No.3815
+1cc to the Government Pleader, S.R.No.3974

nri(CO)
md(13/02/2017)

W.P.No.23820 of 2013 and
MP.No.1 of 2013



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