

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.17604 of 2004
and
W.P.M.P.No.20929 of 2004

D.Balasubramanian

.. Petitioner

Vs.

1. State of Tamilnadu,
Rep. by its Secretary to Government,
Home (Courts-IIA) Department,
Fort St.George, Chennai-9.
2. The Inspector of Police,
Economic Offences Wing-II,
Karur.
3. The Revenue Divisional Officer-cum-
Coordinating Officer,
Karur, Karur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the order passed by the third respondent in his proceedings Na.Ka.Aa.6844/03, dated 16.02.2004 and quash the same as illegal, arbitrary and contrary to the provisions of the Criminal Law Amendment Ordinance, 1944 and without jurisdiction.

For petitioner : Mr.B.Saravanan

For respondents: Mr.Akhil Akbar Ali, Govt. Advocate

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Certiorari to call for the records relating to the order passed by the third respondent in his proceedings Na.Ka.Aa.6844/03, dated 16.02.2004 and quash the same as illegal, arbitrary and contrary to the provisions of the Criminal Law Amendment Ordinance, 1944 and without jurisdiction.

2. A criminal prosecution was launched on M/s.Sree Eswari Financing Corporation, in which the petitioner being one

of the partners, for failure to repay the depositors, and subsequently, Administrator has taken over the affairs of the Company and based on the issuance of G.O.Ms.No.651, Home (Courts-IIA) Department, dated 31.07.2003, process of attachment of property has also been started and resultantly, the property of the petitioner has also been attached based on the impugned proceedings dated 16.02.2004, in which, payment of rent was also demanded.

3. It is to be noted that there is no provision to demand rent from the attached property. Hence, on that short ground, the impugned proceedings is interfered with by this Court. However, any proceedings with regard to the issue in question, is agitated by any aggrieved party, it is open for the authority concerned to decide the same in accordance with law after due opportunity to the parties.

4. With the above observations, the Writ Petition is disposed of. No costs. W.P.M.P. is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

cs

Copy to

1. The Secretary to Government,
Home (Courts-IIA) Department,
Fort St.George, Chennai-9.
 2. The Inspector of Police,
Economic Offences Wing-II,
Karur.
 3. The Revenue Divisional Officer-cum-
Coordinating Officer,
Karur, Karur District.
- + 1 cc to Mr.B.Saravanan, Advocate,SR.55319
- + 1 cc to The Govt.Pleader, SR.55697

W.P.No.17604 of 2004

SV(CO)
NR 31/08/2017