



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.04.2017
CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

W.P. (MD) No. 6601 of 2017
and
W.M.P. (MD) Nos. 5190 and 5191 of 2017

The Branch Manager,
Muthoot Finance Limited,
Kanyakumari Branch,
Kanyakumari.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By the Principal Secretary,
Home (Police-XIX) Department,
St. George Fort,
Chennai.

2. The District Collector,
Kanyakumari,
Kanyakumari District.

3. The District Revenue Officer,
Kanyakumari,
Kanyakumari District.

4. State Represented by Deputy Superintendent of Police,
Economic Offences Wing - II,
Kanyakumari District,
At Nagarcoil.

(Under Crime No.1 of 2014)

... Respondents

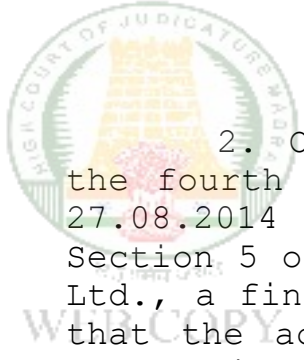
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the G.O.Ms.No.164, dated 11.02.2016 on the file of the 1st Respondent herein and to quash the same as unconstitutional.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

The writ petition has been filed for a writ of Certiorari to call for the G.O.Ms.No.164, dated 11.02.2016 on the file of the first respondent and to quash the same.



2. On the complaint lodged by one Anto, s/o. Thanishlous, the fourth respondent registered a case in Crime No.1 of 2014, on 27.08.2014 under Sections 406, 420 r/w. 120(B) of I.P.C., and Section 5 of T.N.P.I.D. Act, against Sun Kanya Developers India (P) Ltd., a financial establishment, Helda and others on the allegation that the accused had collected deposits from various persons and had failed to return the amount. During the course of investigation, certain properties belonging to the said financial establishment and the individual accused were identified and report was also submitted to the State Government for interim attachment of those properties. Based on the report, the State Government, by G.O.(Ms).No.164/2016, Home (Police-XIX) Department, dated 11.02.2016, passed orders of interim attachment in exercise of powers under Section 3 of TNPID Act. In the schedule to the said G.O., item No.IV relates to jewels pledged at Muthoot Bank, Vivekanandapuram, Kanyakumari District by S.Hilda N.Vipula and Predy. Aggrieved by the attachment of the pledged jewels, Muthoot Finance Limited before this Court for quashing G.O.Ms.No.164, dated 11.02.2016.

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

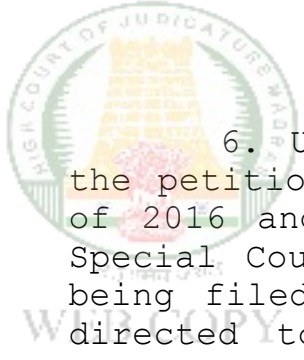
4. In the considered opinion of this Court, on the allegations made by the petitioner, the said G.O. cannot be quashed, because the Government has the power to order ad-interim attachment under Section 3 of TNPID Act, without hearing the parties. The TNPID Act is the self contained Act and it provides remedy for the aggrieved. Inasmuch as the aggrieved can approach the Special Court for TNPID Act and establish his claim, even in the said G.O., the Government has stated as follows:

"2. The Competent Authority and District Revenue Officer, Kanniyakumari District, is requested to pursue further action in accordance with the procedure laid down in sub-sections (3) and (4) of section 4 of the said Act and also the formalities prescribed in the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Rules, 1997.

3. The Special Public Prosecutor, Special Court for the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 (Tamil Nadu Act 44 of 1997) Madurai, is requested to render necessary assistance to the Competent Authority for filing the application before the said Special Court.

<https://hcservices.ecourts.gov.in/hcservices/>

5. On instructions, the learned Additional Government Pleader submitted that the District Revenue Officer has filed I.A.No.55 of 2016 before the TNPID Court, Madurai in Crime No.1 of 2014.



6. Under such circumstances, this Court gives liberty to the petitioner to approach the TNPID Court, Madurai in I.A.No.55 of 2016 and to raise all the grounds raised herein before the Special Court for TNPID Act Cases, Madurai. On such application being filed, the Special Judge for TNPID Act Cases, Madurai is directed to conduct an enquiry and pass orders within three months thereafter.

7. With the above direction, this writ petition stands closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary,
The State of Tamil Nadu,
Home (Police-XIX) Department,
St.George Fort,
Chennai.

2.The District Collector,
Kanyakumari,
Kanyakumari District.

3.The District Revenue Officer,
Kanyakumari,
Kanyakumari District.

4.The Deputy Superintendent of Police,
Economic Offences Wing - II,
Kanyakumari District,
At Nagarcoil.

5.The Special Judge,
TNPID Act Cases, Madurai

+1 cc to M/S.SPECIAL GOVERNMENT PLEADER, SR.NO:53665

W.P. (MD) No.6601 of 2017

21.04.2017