

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.10.2018
CORAM :
THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.30479 of 2014 and
M.P. No. 1 of 2014

N.Rajendran

... Petitioner

Vs

1.The Special Commissioner
Cum Commissioner of Land
Administration, Chepauk,
Chennai - 600 005.

2.The Thasildar,
Lalgudy,
Trichy District.

3.State rep. By its,
Inspector of Police,
Economic Offence Wing-II,
Thanjavur Camp,
Admiral Building,
Govt. Estate,
Chennai - 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st Respondent dated 16.09.1998 in respect of attachment of petitioner's land and quash the same (*) **subsequently direct the first respondent to release the attachment made against the petitioner's land in S.No.287/3A, consist 2 acres, S.No.294/2 consist 3 Acres and S.No.292/2A, consist 1.95 acres all consisting 6.95 Acres of Reddy Mangudy Village, Lalgudi Taluk, Trichy District .**

For Petitioner : Mr.M.Vembadiyan

For Respondents : Mr.A.Ansar
Government Advocate

O R D E R

The relief sought for in the present writ petition is call for the records of the 1st Respondent dated 16.09.1998 in respect of attachment of petitioner's land and quash the same consequently direct the first respondent to release the

attachment made against Petitioners land in S.No.287/3A consist 2 acres, S.No.294/4 consist 3.88 acres and S.No.292/2A consist 1.95 acres all consisting 7.83 acres of Reddy Mangudy Village, Lalgudi Taluk, Trichy District in the circumstances of the case.

2. The learned counsel for the writ petitioner states that the petitioner had purchased the said land during the year 1998. The Maria Finance and Investment Company has committed misappropriation of funds of the depositors and the affected depositors lodged a complaint before the Economic Offences Wing and requested to initiate action against the office bearers and officials of Maria Finance and Investment Company vide C.C.No.15 of 2000. In order to settle the depositors money and to save the interest of the depositors, the officials of the economic offences wing, attached all the movable and immovable property of the Finance Company. During the course of the above action, the officials of the economic offences wing, erroneously attached the land in S.No.287/3A, 294/4 and 292/2A assuming that the above lands might have been purchased by N.Manoharan, Managing partner of Maria Finance Company, from and out of which, the funds collected from the depositors.

3. The learned counsel for the petitioner states that the petitioner was a Power of Attorney holder and no way connected with the officials of the finance company.

4. This Court is of an opinion that such facts and circumstances are to be adjudicated before the competent authority by producing all relevant documents and by adducing evidences. This Court in a writ proceedings, cannot adjudicate the issue in relation to the involvement of the writ petitioner, in respect of the allegation of misappropriation committed by the finance company. In other words, the complex facts and circumstances arising on account of certain disputes, can never be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The petitioner has to prove his innocence or otherwise before the competent authorities by producing the original documents and by establishing the facts and circumstances. Pursuant to the attachment, the enquiry has to be conducted and accordingly, a final decision is to be taken by the competent authorities.

5. This apart, the allegations of misappropriations in respect of finance company has to be adjudicated before the competent forum with reference to the statues. Thus, it is left open to the writ petitioner to approach the respondents for the purpose of establishing his innocence or otherwise and therefore, the relief as such sought for to quash the attachment order, cannot be granted. The authorities competent are bound to expedite the investigation and complete the same at the earliest

possible, both in the interests of the finance company as well as in the interests of the depositors.

6. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

(Amended as per order dated 29.04.2019
made in W.M.P.No.13192 of 2019 in
W.P.No.30479 of 2014)

Sd/-
Assistant Registrar(CCC)
(04.06.2019)

//True Copy//

Sub Assistant Registrar

kak/ssr
To

1.The Special Commissioner Cum
Commissioner of Land
Administration, Chepauk,
Chennai - 600 005.

(*) To be substituted the order
copy already despatched on
14.12.2018

2.The Thasildar,
Lalgudy, Trichy District.

3.Inspector of Police,
Economic Offence Wing-II,
Thanjavur Camp,
Admiral Building,
Govt. Estate,
Chennai - 600 002.

+1cc to Mr.V.Dinesh Raja, Advocate, S.R.No.73183
+1cc to the Government Pleader, S.R.No.73493
+1 cc to Mr.V.Dinesh Raja, Advocate Sr.No.41810

W.P.No.30479 of 2014

VGII(CO)
rrs 20/11/2018
CSL/04.06.2019