

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.13172 of 2013

S.Prathap

.. Petitioner

Vs.

1.The Competent Authority,
District Revenue Officer,
Office of the Collector of Chennai,
Chennai - 600 001.

2.The Deputy Superintendent of Police,
Economics Offences Wing-II,
Anna Nagar, Chennai - 600 040.

3.M.Mukundan .. Respondents
(R-3 impleaded as per order
dated 21.02.2018)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Mandamus, to direct the first respondent to consider the
petitioner's representation dated 03.11.2012 requesting to
release the balance entire deposit amount to the petitioner.

For Petitioner : Mr.C.H.Vinobha Gandhi

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader
for R1 and R2

* Mr.E.Kannadasan for R3

O R D E R

This Writ Petition has been filed for issuance of Writ of
Mandamus, directing the first respondent to consider the
petitioner's representation dated 03.11.2012.

2. Heard Mr.C.H.Vinobha Gandhi, learned counsel for the petitioner; Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 and 2 and perused the records.

3. The case of the petitioner is that he deposited Rs.10,30,000/- in a Finance Company called "M/s.Maruthi Finance". Due to the failure of the Finance Company in refund of the amount after maturity, a criminal case in Crime No.8 of 2000 was registered. The second respondent after completing the investigation filed a final report against the Finance Company, which was taken on file in C.C.No.32 of 2001 by the Special Court constituted under Tamil Nadu Protection of Depositors (Financial Establishments) Act 1997 (In short "TNPID Act").

4. The petitioner would further state that the properties of the Finance Company were also attached by the Government in G.O.Ms.No.637, Home Department and the interim attachment was made absolute by the Special Court in O.A.No.10 of 2001. However, during the pendency of the proceedings, the petitioner accepted to receive 25% as full quit.

5. The learned counsel for the petitioner submitted that in respect of other depositors, the Competent Authority has paid the entire amount, but the petitioner was forced to receive only 1/4 of the deposit amount. Hence, a representation was given by the petitioner. Since no action was taken, the present Writ Petition.

6. The learned Special Government Pleader by referring counter filed by the first respondent, submitted that the petitioner had agreed to receive 25% as full quit and based on the agreement and understanding, the Special Court has also passed an order in Crl.M.P.No.513 of 2013 in C.C.No.32 of 2001 under Section 5A of TNPID Act. So, the petitioner is not entitled for more amount.

7. It is not in dispute that the petitioner had deposited Rs.10,30,000/- in the Finance Company on various dates. However, due to meet out some financial crunch, the petitioner had agreed to receive 25% of the deposited amount from the Finance Company as final settlement. It is to be seen in respect of other depositors, the first respondent had disbursed the entire deposited amount. Further, the petitioner claims that surplus amount is lying with the Competent Authority, the first respondent herein.

8. In the light of the above facts, the first respondent is directed to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law.

9.

9. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar(CS III)
Dated : 23/03/2018

*** Corrected as per the Order of
this court dated 10/04/2018 and
made herein.**

Sd/- Assistant Registrar (CS III)
Dated : 23/04/2018

//True Copy//

Sub Assistant Registrar

rns
To

- 1.The Competent Authority,
District Revenue Officer,
Office of the Collector of Chennai,
Chennai - 600 001.
- 2.The Deputy Superintendent of Police,
Economics Offences Wing-II,
Anna Nagar, Chennai - 600 040.

To be substituted to
this Order already
despatched on
04/04/2018

- +1 cc to Govt Pleader sr 18411
+1 cc to Mr.C.H.Vinobha Gandhi Advocate sr 17506
+1 cc to Mr.E.Kannadasan Advocate sr **26408**

सत्यमेव जयते

W.P.No.13172 of 2013

aa26/03/2018

GN(24/04/2018)

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