



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

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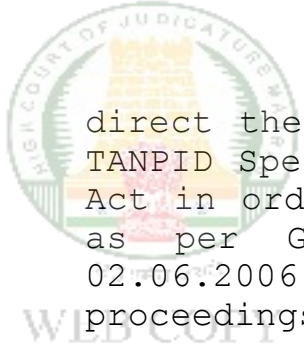
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.2069 of 2018

Mr.Nachiappan,
S/o.Marappa Gounder,
President of Amutham Investment Affected Depositors
Association (Reg.No.152/08),
23/49, Mengles Road,
Dindigul,
Dindigul District. ... Petitioner

Vs

1. The District Collector,
Dindigul District,
Dindigul.
2. The Superintendent of Police,
Dindigul District,
Dindigul.
3. The Competent Authority/District Revenue Officer,
Dindigul, Dindigul District.
4. The Deputy Superintendent of Police,
Economic Offence Wing-II,
Dindigul, Dindigul District.
(Cr.No.1 of 2002 and 1 of 2004)
5. Amutham Finance
Rep. By its Proprietor,
Mr.P.Pragaspathy,
S/o.Lage V.P.Pitchai Pillai,
18/B/2 Aarthy Theatre Road,
Dindigul, Dindigul District.
6. P.Meenapathy
S/o.P.Pragaspathy,
Managing Partner Amutham Finance,
18/B/2 Aarthy Theatre Road,
Dindigul, Dindigul District. ... Respondents



direct the third respondent herein to initiate proceedings before TANPID Special Court, Madurai to comply the section 7(8) of TNPID Act in order to conduct public auction of the properties attached as per G.O.Ms.223 dated 16.03.2006 and G.O.Ms.No.426 dated 02.06.2006 and distribute the amount received from the sale proceedings among the depositors.

For Petitioner : Mr.D.Selvaraj
 For Respondents : Mr.R.Sethuraman,
 Special Government Pleader

ORDER

The relief sought is for a direction to direct the third respondent to initiate proceedings before TANPID Special Court, Madurai to comply the section 7(8) of TNPID Act in order to conduct public auction of the properties attached as per G.O.Ms.223 dated 16.03.2006 and G.O.Ms.No.426 dated 02.06.2006 and distribute the amount received from the sale proceedings among the depositors.

2.The learned counsel appearing on behalf of the writ petitioner states that the third respondent/The District Revenue Officer is the competent authority under the provisions of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 for the purpose of filing the application under Section 7(8) of the said Act.

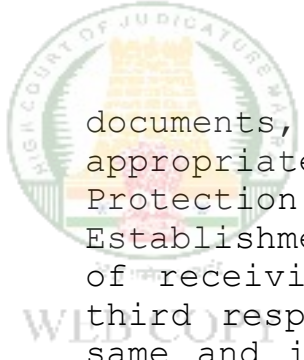
3.The grievance of the writ petitioner is that even after a lapse of 16 years, the depositors are unable to realize their deposited amount. The properties belonged to the fifth respondent had been attached and inspite of that no action was initiated to realise the amount and disburse the same to the depositors.

4.The learned counsel appearing for the petitioner states that there is an enormous delay in concluding the proceedings and the depositors are aged people and they cannot afford to wait further.

5.This Court is of an opinion that the case is now pending before the Special Court (TANPID), Madurai. It is for the Special Court to adjudicate the matter under the provisions of law and dispose of the cases as early as possible. However in respect of realization of the amount, this Court cannot pass any orders in view of the fact that the matter is subjudice before the Special Court. However, for a limited purpose, the writ petitioner is permitted to submit a representation to the third Respondent/The Competent Authority for filing an application under Section 7(8) of the TANPID Act.

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

6.In this view of the matter, the writ petitioner is at liberty to submit a detailed representation along with the



documents, if any, to the third respondent with a request to file appropriate application under Section 7(8) of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments), Act, 1997 before the Special Court. In the event of receiving any such application from the writ petitioner, the third respondent is directed to consider and pass orders on the same and in accordance with law, within a period of twelve weeks thereafter.

7. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Superintendent of Police,
Dindigul District,
Dindigul.
3. The Competent Authority/District Revenue Officer,
Dindigul, Dindigul District.
4. The Deputy Superintendent of Police,
Economic Offence Wing-II,
Dindigul, Dindigul District.

+1cc to Spl. Government Pleader Sr.No.46925
+1cc to Mr.D.Selvaraj, Advocate Sr.No.46460

AM

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