

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.33732 to 33735 of 2007
and
M.P.Nos.1, 1, 1 and 1 of 2007

A.L.Santharam ..Petitioner
in W.P.No.33732 of 2007

T.S.Indira ..Petitioner
in W.P.No.33733 of 2007

A.S.Aara Amuthu Kumar ..Petitioner
in W.P.No.33734 of 2007

A.S.Ramkumar ..Petitioner
in W.P.No.33735 of 2007

Vs

1.The Government of Tamil Nadu,
Rep.by Secretary to Government,
Home Department,
Fort St.George, Chennai - 600 009.

2.The Inspector General of Police,
Economic Offence Wing-II,
Chennai - 600 002.

3.The Commissioner,
Land Administration,
Chepauk, Chennai - 600 005.

4.The District Revenue Officer,
Madurai. .. Respondents
in all W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, seeking issuance of a writ of declaration, declaring that the Government Order G.O.Ms.No.569 Home (Courts III-A) Department, dated 18.6.2001 of the first respondent herein is arbitrary, illegal, unjust, unsustainable in law and cannot be enforced against the petitioners and the property of the petitioners viz., Serial Nos.14, 15, 17 and 16 to the Appendix of the said Government order.

For Petitioners : Mrs.AL.Ganthimathi
(in all W.Ps)

For Respondents : Mr.I.Sathish
Additional Government Pleader
(in all W.Ps)

C O M M O N O R D E R

Heard Mrs.AL.Ganthimathi, learned counsel for the petitioners, Mr.I.Sathish, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. These writ petitions have been filed for issuance of writ of declaration, declaring that the G.O.Ms.No.569 Home (Courts III-A) Department, dated 18.06.2001 issued by the first respondent is arbitrary, illegal, unjust, unsustainable in law and cannot be enforced against the petitioners.

3. The petitioners have challenged the said Government Order issued by the first respondent under Section 3 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 (herein after 'the Act' for brevity), on the ground that no opportunity was given to them before passing the order of attachment.

4. The learned counsel for the petitioners would submit that under Section 4 of the Act, the competent authority has to file an application before the Special Court for TANPID Cases, within a period of thirty days, to make the order of ad interim attachment absolute. If the application is not filed, the Government Order becomes infructuous. सत्यमेव जयते

5. Per contra, learned Special Government Pleader appearing for the respondents would submit that the very same issue was challenged in a batch of writ petitions in W.P(MD).Nos.11119 of 2005 etc., batch and the writ petitions came to be dismissed on 29.09.2008. It is further submitted that an application filed under Section 4 of the Act before the Special Court was allowed.

6. At this juncture, the learned counsel for the petitioners seeks liberty to file necessary application before the Special Court for TANPID Cases for redressal of their grievance.

7. In the light of the above submissions, this Court is of the considered opinion that no further adjudication is necessary in these writ petitions. Accordingly, these writ petitions are dismissed. However, granting liberty to the petitioners to agitate the matter before the Special Court for TANPID Cases. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Secretary to Government,
The Government of Tamil Nadu,
Home Department,
Fort St.George, Chennai - 600 009.

2.The Inspector General of Police,
Economic Offence Wing-II,
Chennai - 600 002.

3.The Commissioner,
Land Administration,
Chepauk, Chennai - 600 005.

4.The District Revenue Officer,
Madurai.

+4ccs to M/s.Al.Gandthi mathi, AdvocateSR.No.63611,63612,
63613,63610

+1 cc to Government Pleader Sr.No. 63833,63834

सत्यमेव जयते W.P.Nos.33732 to 33735 of 2007
and

M.P.Nos.1, 1, 1 and 1 of 2007

ppa (CO)
A.SK(09/09/2019)

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