

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.28263 of 2008

F.Jaffar Ali

.. Petitioner

Vs

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

2. The Additional Commissioner  
(Land Administration)  
Chepauk, Chennai - 600 005.

3. The District Revenue Officer,  
Collectorate Office,  
Coimbatore.

4. The Sub Registrar,  
Office of the Sub Registrar,  
Avinasi Taluk,  
Coimbatore District.

.. Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling upon the records of the first respondent relating to the attachment effected pursuant to G.O.Ms.No.177 dated 05.03.2002 and G.O.Ms.No.640 dated 29.07.2003 and quash the same in so far as it relates to the petitioner's property.

For Petitioner : Mr.K.V.Babu

For Respondents: Mr.J.Sathish  
Additional Government Pleader

## ORDER

This writ petition has been filed for issuance of writ of Certiorarified Mandamus, to call for the records of the 1<sup>st</sup> respondent relating to the attachment effected pursuant to G.O.Ms.No. 177 dated 05.03.2002 and G.O.Ms.No.640 dated 29.07.2003 and quash the same, in so far as it relates to the petitioner's property.

2. One Mr.Natrajan son of Rangasamy, along with his partners was running a Finance Company in the name of M/s.Dhanashree Finance, at Avinashi, in Coimbatore District. The financial establishment collected a sum of Rs. 47,01,500/- from 52 depositors and on their failure to repay the deposited amount, a criminal case was filed against the Finance Company.

3. The Government issued G.O.Ms.No. 177 dated 05.03.2002 ordering interim custody of the immovable property of the Finance Company under Section (3) of TNPID Act. The petitioner claims title over schedule No.5 in the G.O. It is the further case of the petitioner that the property in dispute was attached by the Civil Court in O.S.No. 173 of 1999 and in Court auction the petitioner's vendor, Mr.Ranganathan purchased the property. Since a competent Civil Court had already attached the property, there cannot be a further attachment by the respondents.

4. In the counter filed by the respondents 1 to 3, it has been stated that pursuant to the order passed in M.P.Nos. 138 & 139 of 2009 in Crl.A.Nos. 168 & 162 of 2004, the depositors appeared before the competent authority/District Revenue Officer, Coimbatore., on various dates and agreed to compound the case with the accused, after receiving the deposited amount. It is further stated that in respect of Item No.1 to 4 in the above said G.O, the Special Court, Chennai had already raised attachment by its order dated 04.12.2009 in O.A.No. 28 of 2009.

5. Mr.I.Sathish, Learned Additional Government Pleader on instructions would submit that the Finance Company viz., 'Dhanashree Finance' has returned the entire amount to the depositors and there is no due as on date.

6. Taking note of the fact that the Finance company settled the entire amount with the depositors, no prejudice would be caused in the event of raising attachment of the petitioner's property. Further the respondents may not have any legitimate objections to allow this writ petition.

7. In such view of the matter, the writ petition stands allowed. No costs.

26.08.2019

Sd/-  
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

kmm

To

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

2. The Additional Commissioner  
(Land Administration),  
Chepauk, Chennai - 600 005.

3. The District Revenue Officer,  
Collectorate Office,  
Coimbatore.

4. The Sub Registrar,  
Sub Registrar Office,  
Avinasi Taluk,  
Coimbatore District.

+1cc to Mr.K.V.Babu, Advocate SR.No.73005

+1cc to Government Pleader SR.No.73454

W.P.No.28263 of 2008

RR(CO)  
GMY(04/11/2019)