

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.02.2019
CORAM
THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15022 of 2016
&
W.M.P.No.13105 of 2016

C.Murugan

...Petitioner

Vs.

- 1.The Principal Secretary to Government
Home (Police XIX) Department
Secretariat, Chennai 600 009
- 2.The Additional Director General of Police
Economic Offence Wing-II
2nd Avenue Anna Nagar
Chennai 600 040
- 3.The Deputy Superintendent of Police
Economic Offence Wing-II Unit
Coimbatore 641 018
- 4.The Sub-Registrar
Office of Sub-Registrar
Peelamedu, Coimbatore

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of respondents in connection with alleged attachment order passed by the 3rd respondent order in C.No.6/EOW-II/CBE/14 dated 04.03.2014 to the 4th respondent for attachment of the petitioner's property as Item No.4 and in subsequent impugned G.O. passed by the 1st respondent in G.O.Ms.No.937/2014 dated 16.12.2014 as item No.14 of the schedule and quash the same and direct the 4th respondent to cancel the encumbrance of the attachment over the petitioner's property.

For Petitioner : Mr.D.Jaganathan

For Respondents : Mr.Mohammed Riyaz
Addl. Public Prosecutor

O R D E R

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari Mandamus, calling for the records of respondents in connection with alleged attachment order passed by the 3rd respondent order in C.No.6/EOW-II/CBE/14 dated 04.03.2014 to the 4th respondent for attachment of the petitioner's property as Item No.4 and in subsequent impugned G.O. passed by the 1st respondent in G.O.Ms.No.937/2014 dated 16.12.2014 as item No.14 of the schedule and quash the same and direct the 4th respondent to cancel the encumbrance of the attachment over the petitioner's property.

2.The learned counsel for the petitioner would submit that the property situated at Coimbatore District, Coimbatore Taluk, Sowripalayam Village, comprising in Survey No.409 and 410, Site No.4, Door No.28, Thirupathi Venkatachalapathy Nagar, measuring about 1943 sq. ft. was purchased by the petitioner on 19.06.2012 vide Registered sale deed document as Doc.2159/2012, S.R.O. Peelamedu and was in possession and enjoyment of the property. All of a sudden the 3rd respondent came and informed the petitioner that his property was attached. When the same was checked, the petitioner found that his property was attached through the proposal of ad-interim attachment made by the 3rd respondent vide C.No.6/2014 dated 05.03.2014 in subsequent to G.O. passed by the 1st respondent in G.O.Ms.No.937 dated 16.12.2014 without any reasons.

3.The learned counsel for the petitioner would submit that as per the G.O.Ms.No.937, the Central Crime Branch, Coimbatore District, registered a case against one M/s.Fine Future, Coimbatore District and its partners as they have collected the deposits from various depositors i.e. about 25,389 depositors to the tune of more than crores and they have not returned the same and misappropriated and cheated the depositors in Crime No.19 of 2012 for the offence under Sections 120BA06, 420 IPC N/W 4, 5, 6 or Price Chits Money circulations scheme Banning Act, 1978 and 5 of TNPID Act 1997 and subsequently, the same was transferred to the 3rd respondent and the 3rd respondent made investigation and filed preliminary charge sheet on 10.05.2013 in C.C.No.15/2013 the same was pending before the Special Court for TNPID Act. Further, additional charge sheet was also laid on 01.02.2014 against the A1 to A5, who are the partners of the above said establishments / company. The above said accused A1 to A5 no way connected to this petitioner. The respondents without any proper investigation attached the petitioner's property, the petitioner is either an accused nor an employee of the above

said accused company. The 3rd respondent without proper enquiry issued a proposed ad-interim attachment in C.No.6/2014 dated 05.03.2014 to the 4th respondent and the same was confirmed and G.O. Ms.No.937/2014. Hence, this petition.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that to render necessary assistance, the petitioner shall file appropriate application before the competent authority i.e. TANPID Court. The 3rd respondent initiated action of attachment of 89 items of immovable properties with regard to the Crime No. 19 of 2012 for the offence under Sections 120BA06, 420 IPC N/W 4, 5, 6 or Price Chits Money circulations scheme Banning Act, 1978 and 5 of TNPID Act 1997. If there is any grievance over the attachment, the petitioner shall approach the TNPID Court to raise the attachment.

5.Considering the above said submissions made by the learned Additional Public Prosecutor, this writ petition is not at all maintainable and the same cannot be considered by this Court.

7.Hence, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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5.The Public Prosecutor
High Court of Madras

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nr 26/03/2019



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