



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1251 of 2018
and
W.M.P(MD) .No.1337 of 2018

N.Vishwanathan

... Petitioner

Vs

1.The Principal Secretary to Government,
Government of Tamilnadu,
Home (Police XIX) Department,
Fort St.George,
Chennai-09.

2.The Competent Authority and
District Revenue Officer,
Karur, Karur District.

3.The District Collector,
Karur District,
Karur.

4.The Sub Registrar,
Velayuthampalayam,
Karur District.

5.The Inspector of Police,
Economic Offences Wing-II,
Karur, Karur District.
(Crime No.2 of 2007)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in G.O.Ms.No.915 Home (Police XIX) Department, dated 03.12.2012 and quash the same and consequently direct the respondents 3 and 4 to delete or to make necessary entries in the registration records including encumbrances certificates by removing the entry of attachment made on the basis of G.O.Ms.No.915 Home (Police XIX) Department, dated 03.12.2012 in respect of petitioner's properties comprised in S.F.No.352-19 measuring extent of 0.03.0 acres situated at Punjaipugalur North Village, Karur District.



For Petitioner : Mr.R.Mathiyalagan

For Respondents : Mr.M.Karuppasamy
Government Advocate

WEB COPY

ORDER

The petitioner was prosecuted under the provisions of Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997. Therefore, the petitioner's properties came under attachment by virtue of the G.O.Ms.No.915 Home (Police XIX) Department, dated 03.12.2012. The petitioner has since cleared all his outstanding liabilities and the case against him has since been compounded. The petitioner produced a copy of the judgment dated 24.08.2017 in C.C.No.84 of 2008 on the file of the Special Court, Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, Madurai. Since the prosecution against the petitioner ended in acquittal and on account of his having cleared the liabilities, the impugned Government Order can no longer stand.

2. Hence, the order impugned in this writ petition is quashed and this Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Criminal Side)

/True copy/

Sub Assistant Registrar(CS)

rmk

To

1.The Principal Secretary to Government,
Government of Tamilnadu,
Home (Police XIX) Department,
Fort St.George,
Chennai-09.

2.The Competent Authority and
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Karur, Karur District.

3.The District Collector,
Karur District, Karur.

4.The Sub Registrar,
Velayuthampalayam, Karur District.



5.The Inspector of Police,
Economic Offences Wing-II,
Karur, Karur District.

+1cc to Mr.R.Mathiyalagan, Advocate in SR No.56001
+1cc to Spl.Govt.Pleader, SR No.55963

W.P.(MD)No.1251 of 2018

NM/JM/03.05.2019/3P/8C