



WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.4619 of 2019

P.Ravindran Nair

... Petitioner

Vs

- 1.The Principal Secretary to Government,
Home (Police XIX) Department,
Chepauk, Chennai.
- 2.The Competent Authority / District Revenue Officer,
Kanyakumari District @ Nagercoil.
- 3.The Deputy Superintendent of Police,
Economic Offence Wing - II,
Kanyakumari District @ Nagercoil.
- 4.Sanalkumaran Thampi
- 5.Renuka Kumari
- 6.Manikandan
- 7.Babu
- 8.D.Rajan
- 9.D.Rajaram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to initiate proceedings before TANPID Special Court, Madurai under Section 8 of TANPID Act and to attach the property bearing R.S.No.263/12 of Ezhudesom Village, Kanyakumari District which was malafidely transferred by the fourth respondent herein on the basis of the petitioner's representation ade before him by RPAD dated 31.12.2018.

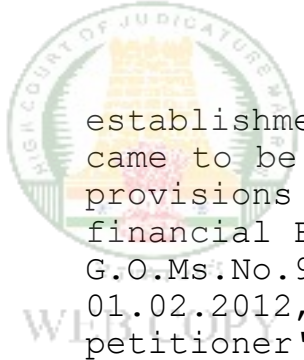
For Petitioners	: Mr.B.Brijesh Kishore
For R1 to R3	: Mr.M.Rajarajan
	Government Advocate
For R4 and R7	: No appearance
For R8 and R9	: Mr.K.P.Narayana Kumar

ORDER

Heard the learned counsel on either side.

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

2.The writ petitioner is one of the depositors of Thankachi Bankers / fourth respondent herein. The said financial



establishment had committed default. Therefore Crime No.4 of 2009 came to be registered on the file of the third respondent under the provisions of Tamil Nadu Protection of Interests of Depositors (in financial Establishments) Act, 1997. The Government has also issued G.O.Ms.No.911, Home (Police XIX), 30th December, 2011 dated 01.02.2012, attaching two properties of the fourth respondent. The petitioner's case is that these properties are insufficient to cover the liabilities of the fourth respondent and that the fourth respondent had in a malafide manner had fraudulently transferred other properties.

3.The learned counsel also drew my attention to the Section 8 of TNPID Act, 1997. Section 8(1) of the Act reads as under:

*"8(i).Attachment of property of malafide transferees
 "Where the assets available for attachment of a Financial Establishment or other person referred to in Section 3 are found to be less than the amount or value which such Financial Establishment is required to repay to the depositors and where the Special Court is satisfied by affidavit or otherwise that there is reasonable cause for believing that the said Financial Establishment has transferred (whether after the commencement of this Act or not) any other property otherwise than in good faith and for consideration the Special Court may, by notice, require any transferee of such property (whether or not he received the property directly from the said Financial Establishment) to appear on a date to be specified in the notice and show cause why so much of the transferee's property was is equivalent to the proper value of the property transferred should not be attached."*

The petitioner therefore wanted this Court to direct the competent authority to take action in this regard.

4.I am of the view that the petitioner also would have the *locus standi* to invoke the jurisdiction of the Special Court under Section 8(1) of the Act. As and when such an application is filed by the petitioner herein, the learned Special Judge is directed to take the same on file and deal with it in accordance with law.

5.With this liberty to the writ petitioner, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(Cr1.Side)

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To

- 1.The Special Judge,
TANPID Special Court, Madurai.
 - 2.The Principal Secretary to Government,
Home (Police XIX) Department,
Chepauk, Chennai.
 - 3.The Competent Authority / District Revenue Officer,
Kanyakumari District @ Nagercoil.
 - 4.The Deputy Superintendent of Police,
Economic Offence Wing - II,
Kanyakumari District @ Nagercoil.
- +1 CC to M/s.K.P.NARAYANA KUMAR, Advocate in SR-61177
+1 CC to M/s.B.BRIJESH KISHORE, Advocate in SR-61192
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.61259

W.P. (MD) No.4619 of 2019
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pnn

PK/KK/10.05.2019 : 3P/8C