



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3911 of 2016

and

W.M.P. (MD) Nos. 3494 to 3496 of 2016 and 1224 of 2017

1. M. Elwin Yesudas
2. Antony
3. Maria Arputham
4. Maria Selvi

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Home (Courts.IIA) Department,
Secretariat, Fort Saint George,
Chennai.
2. The Competent Authority and
District Revenue Officer,
Nagercoil,
Kanyakumari District.
3. The Competent Authority and
Additional Commissioner of Land Administration,
Chennai.
4. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
5. The Inspector of Police,
Economic Offences Wing-II,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned order of the first respondent in G.O.Ms.No.1028 of 2003, dated 27.10.2003 and G.O.Ms.No.1228 of 2004, dated 27.10.2004 and the consequent memo issued by the second respondent dated 01.10.2015 in C4/S.R.01/2010 and quash the same and consequently, permit the petitioners to deal with their properties mentioned in the impugned orders.



For Petitioner
For Respondents

:Mr.N.Dilip Kumar
:Mr.K.MU.Muthu
Additional Government Pleader

ORDER

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Heard the learned counsel on either side.

2.The writ petitioners were running a financial establishment. They had committed default. Therefore, criminal cases were registered against them under the provisions of Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act, 1997. The property of the petitioners also came under attachment by virtue of the petition mentioned G.Os.

3.The learned counsel appearing for the writ petitioners submits that the petitioners have completely settled the claims of all the depositors and the criminal prosecution initiated against them have been compounded and ended in acquittal. This is fairly conceded by the respondents also.

4.The criminal prosecution initiated against the writ petitioners no longer survives. The attachment made in respect of the petitioners' property should also go as a corollary and as a direct consequence. Therefore, G.Os as well as the consequential proceedings impugned in the writ petition stand quashed.

5.The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(cs-III)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to the Government,
Home (Courts.IIA) Department,
Secretariat, Fort Saint George,
Chennai.

2.The Competent Authority and
District Revenue Officer,
Nagercoil,
Kanyakumari District.

3.The Competent Authority and
Additional Commissioner of Land Administration,
Chennai.



4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

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

+1cc to Mr.N.Dilip Kumar, Advocate, SR.No.53800
+1cc to Special Government Pleader, SR.No.53601

W.P. (MD)No.3911 of 2016
and

W.M.P. (MD)Nos.3494 to 3496 of 2016 and 1224 of 2017
12.03.2019

SP/27.03.2019/ 3P/8C