

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.20504 & 20505 of 2013

and

M.P.Nos.1 and 2 of 2013

1.R.Ramaiyan
2.M.Ramasamy

... Petitioners in
W.P.No.20504 of 2013

Minor Arul Prakash
Rep. by his Mother and Guardian
S.Malleeswari.

... Petitioner in
W.P.No.20505 of 2013

Versus

1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Govt.,
Home (Police XIX) Department,
Fort St. George,
Secretariat, Chennai - 9.

2. The Revenue Divisional Officer,
Kulithalai,
Karur District.

... Respondents in both
W.Ps.

Prayer in both W.Ps.: Writ petitions filed under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records relating to the proceedings of the second respondent in Na.Ka.No.A2/459/2012 dated 04.12.2012 and quash the same.

For Petitioners : Mr.S.Rajendrakumar
in both W.Ps. for M/s.Norton and Grant

For Respondents: Ms.K.Bhuvaneswari
in both W.Ps. Additional Government Pleader

COMMON ORDER

The petitioners, who are facing proceedings under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997 (in short TNPID Act) challenging the order passed by the second respondent in Na.Ka.No.A2/459/2012 dated 04.12.2012 based on the complaints lodged with the Economic Offences Wing II, Karur, have come up with these writ petitions. The petitioners are facing charges under Sections 406, 420 I.P.C. and Section 5 of the TNPID Act before the Special Court constituted under the above Act, Madurai in C.C.No.69 of 2008.

2. While so, by invoking the power under Section 3 of the TNPID Act, the State of Tamil Nadu, the first respondent herein issued G.O.Ms.No.117 Home (Police XIX) Department dated 18.02.2011 for interim attachment of the petitioners' properties appended to the schedule therein. Based on the above said G.O., the Revenue Divisional Officer, Kulithalai, who is the second respondent herein vide Proceedings in Na.Ka.No.A2/459/2012 dated 04.12.2012 had attached the properties mentioned therein.

3. It is stated that, as per Section 3 of the TNPID Act, once the G.O. is issued for attachment, the competent authority is requested to pursue further action in accordance with the procedures laid down in Sub-section (3) of Section 4 of the said Act and also follow the procedure prescribed therein. However, the competent authority had not applied within 30 days to the Special Court for making ad-interim attachment of the properties. The contention of the petitioners is that the properties that were attached were not obtained out of the deposits collected by the Financial Establishments. Consequently, the Competent Authority has not got the attachment made absolute as contemplated under Section 4 of the Act and the said order of attachment has become non est.

4. Be that as it may, even the petitioners themselves have got no locus to move this Court under Article 226 when the very same Act contemplates a Special Court which can be moved by any person claiming an interest in the property attached.

5. In view of the above, it is open to the petitioners to move to Special Court and workout their remedies in the manner known to law.

6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Principal Secretary to Government.,
State of Tamil Nadu,
Home (Police XIX) Department,
Fort St. George,
Secretariat, Chennai - 9.

2. The Revenue Divisional Officer,
Kulithalai,
Karur District.

+1cc to M/s.Norton & Grant, Advocate sr.22120
+1cc to the Government Pleader Sr.22661

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srg 30/07/2020

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