

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.23993 of 2019
(Heard through VC)

P.Vadivel

...Petitioner

vs

- 1.The District Collector,
Coimbatore District.
- 2.The District Revenue Officer/Competent Authority,
Coimbatore - 641 018.
- 3.The District Registrar,
Coimbatore - 641 018.
- 4.The Sub-Registrar,
Singanallur,
Coimbatore District.
- 5.The Inspector of Police,
Economic Offences Wing-II,
Commissioner of Police Campus,
Coimbatore - 641 018.
- 6.The Secretary to Government,
Home Department, Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
(R6 impleaded as per order dt.05.03.2020
made in W.M.P.No.5714/2020 in
W.P.No.23993 of 2019).

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the order of attachment made over the petitioner's properties mentioned in the item Nos.2 and 3 of the schedule in G.O.Ms.No.624 Home (Courts.IIA) Department, dated 22.07.2003, as per the order dated 12.05.2010 made in O.A.No.33 of 2008 passed by the Special Court under Tamilnadu Protection of Interest of Depositors (in Financial Establishments) Act.

For Petitioner : Mr.S.Arjun
For RR1, 2, 5 & 6 : Mr.V.Shanmugasundar
Special Government Pleader
For RR3 & 4 : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The writ petition is filed for a mandamus directing the respondents to remove the order of attachment made over the petitioner's properties mentioned in the item Nos.2 and 3 of the schedule in G.O.Ms.No.624 Home (Courts.IIA) Department, dated 22.07.2003, as per the order dated 12.05.2010 made in O.A.No.33 of 2008 passed by the Special Court under Tamilnadu Protection of Interest of Depositors (in Financial Establishments) Act.

2. It is stated that there was a prosecution against the petitioner and five others for the offence under Section 5 of the Tamilnadu Protection of Interest of Depositors (in Financial Establishments) Act, 1997 before the TNPID Court, Chennai in the year 2007. After the trial, the petitioner herein was acquitted on 16.07.2015. In the meanwhile, in Government Order in G.O.Ms.No.624 Home (Courts II-A) Department, dated 22.07.2003, there was an order of attachment of 3 items of immovable properties of the Finance Company under Section 3 of the Act. The item Nos.2 and 3 belonged to the petitioner. In the meantime, the petitioner had filed an application in O.A.No.33 of 2008 before the TNPID Court, Coimbatore under Section 7 of the Act to raise the attachment with respect to the properties mentioned in Item Nos.2 and 3 in G.O.Ms.No.624 Home (Courts-IIA) Department, dated 22.07.2003. The TNPID Court also allowed the O.A. raising the attachment regarding items 2 and 3 in the G.O. Thereafter, the petitioner seems to have made an application to the District Registrar's Office, Coimbatore on 22.07.2019 making a request to raise the attachment based on the order passed in O.A.No.33 of 2008. However, there has been no action taken.

3. The learned Special Government Pleader appearing for the respondents 3 and 4 would submit that the concerned Sub Registrar Office is Singanallur, Coimbatore District and Sowripalayam Village, Coimbatore South Taluk, as the two properties are situate in the jurisdiction of two different Sub Registrars. Though only the Sub Registrar, Singanallur is the party herein and the District Registrar is shown as third respondent, the learned Special Government Pleader would submit that, if an application is made before the respective Sub Registrar's Office along with the copy of the orders passed in

O.A.No.33 of 2008 dated 12.05.2010, the authorities concerned would take steps to raise the attachment regarding the property Nos.2 and 3 in G.O.Ms.No.624 after investigation and proper verification that there is no appeal preferred against the said order passed in O.A.No.33 of 2008.

4. Accordingly, the petitioner is directed to take out an application before the concerned Sub Registrars along with his request and upon submission of the application, the respective Sub Registrars are directed to effect appropriate entries raising the attachment. The above direction is subject to the fact that there is no appeal preferred against the said order passed in O.A.No.33 of 2008. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rsi

To

- 1.The District Collector,
Coimbatore District.
- 2.The District Revenue Officer/Competent Authority,
Coimbatore - 641 018.
- 3.The District Registrar,
Coimbatore - 641 018.
- 4.The Sub-Registrar,
Singanallur,
Coimbatore District.
- 5.The Inspector of Police,
Economic Offences Wing-II,
Commissioner of Police Campus,
Coimbatore - 641 018.

6.The Secretary to Government,
Home Department, Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

+1cc to M/s.S.Arjun, Advocate, S.R.No.41012
+1cc to the Government Pleader, S.R.No.40685

W.P.No.23993 of 2019

SR II (CO)
KKV/22/12/2020



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