



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No. 3184 of 2015 and
M.P No. 1 of 2015

M/s.Sri Ramanuja Educational and
Cultural Foundation,
Represented by its Chairman,
Mr.D.Sathyanarayanan,
Thandalam Village, Kumpinipet Post,
Arakonam, Vellore District.

.. Petitioner

-Vs-

1. State of Tamil Nadu,
Represented by its
Secretary to Government,
Department of Home (Courts-II-A),
Secretariat, Fort St.George,
Chennai - 600 009.

2. The competent Authority-cum-District Revenue Officer,
Thiruvallur District

3. V.Revathy

4. V.Sekar

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent pertaining to G.O.Ms.No.360 dated 03.04.2001 issued by the first respondent under Section 3 of the TNPID Act and quash the same pertaining to Item 1 to 7 in Schedule II - B of the G.O. and direct the second respondent to conduct the fresh enquiry after issuing appropriate notice to the petitioner following the due process of law.

For Petitioner : Mr.P.Thiagarajan

For Respondents : Mr.K.M.D.Muhilan

Government Advocate for R1 and R2
Not ready in notice - R3 and R4



O R D E R

The Government order in G.O.Ms.No.360, Home (Courts IIA) Department dated 03.04.2001 passed under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 is under challenge in the present Writ Petition.

2. A criminal case was registered at the instance of the depositors against the Finance Company. The Government invoked the powers conferred under the provisions of the TNPID Act and passed an order of attachment in the impugned G.O.Ms.No.360, Home (Courts IIA) Department dated 03.04.2001. When an order of attachment is passed by the Government under Section 3 of the Act, the aggrieved person has to approach the Special Court constituted to deal with the cases is competent to try all such cases.

3. In the present case, the learned Government Advocate appearing on behalf of the official respondents states that already the petitioner filed an application before the Special Court and the order of attachment passed by the Government has already been confirmed and the said order is made absolute by the Special Court. When that being so, the petitioner has a remedy of appeal under the Act and further, the trial is to be conducted in respect of such nature of cases by the Special Court. The High Court cannot conduct an adjudication of such disputed facts which are all to be done by examination of witnesses and documents. Thus, the petitioner is at liberty to approach the competent Court for the purpose of redressal of grievances in the manner known to law.

4. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

RAP / vji

To

1. The Secretary to Government,
State of Tamil Nadu ,
Department of Home (Courts-II-A),
Secretariat, Fort St. George,
Chennai - 600 009.



2. The competent Authority-cum-District Revenue Officer,
Thiruvallur District.

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GMY (2210/2021)