



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33186 of 2018

P. Soundararajan

... Petitioner

Vs.

1.The State represented by
Inspector of Police EOW - III
Chennai.

2. The Commissioner, Land Administration,
Chepauk, Chennai - 5

... Respondents

Prayer:Petition filed under article 226 of the Constitution of India directing to issue a writ of Mandamus forbidding the respondents and their men from taking possession of petitioner's property located at No.F-38, Thanikachalam Nagar West, Poonniamman Medu P.O. Chennai-110 except under due process of law.

For Petitioner : Mr.V.V. Sai Ram

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

O R D E R

(This case has been heard through video conference)

This petition is filed seeking for an direction forbidding the respondents and their men from taking possession of petitioner's property located at No.F-38, Thanikachalam Nagar West, Poonniamman Medu P.O. Chennai-110 except due process of law.

2. The case of the petitioner is that the petitioner/A1 and A2 were running a unauthorised chit fund and dishonestly induced the complainant and three others to subscribe seven chits and collected chit amount from them and thereafter failed to re-pay the chit amount and there was a default of payment of Rs.6,71,600/- from A1 and A2 to the subscribers. Hence a case was filed against the petitioner and other accused before the



District Munisif cum Judicial Magistrate, Thiruvottriyur in
C.C.No.469/2006,336/2006 and 337/2006

3. The learned counsel appearing for the petitioner submitted that the petitioner refunded the chit amounts. He further submits that the second respondent invoking the powers under TNPID Act made the attachment of the petitioner's property before the Small Causes Court on 17.09.2010 without following the due process of law, which lead to filing of the present petition.

4. The learned Government Advocate would submit that action will be taken only after following due process of law.

5. Recording the submission made by the learned Government Advocate this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. However there shall be a direction to the respondents to take action after following the mandatory process and if the petitioner is aggrieved by any action, the petitioner is at liberty to pursue the matter in accordance with law.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

smn

To

1.The Inspector of Police EOW - III
Chennai.

2.The Commissioner,
Land Administration,
Chepauk, Chennai - 5

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 10

+1cc to V.V.Sairam, Advocate, S.R.No.34407

[05/05/2022]

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PMK (CO)
PR (16/08/2021)