



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.14465 of 2013

&

M.P.Nos.1, 2, 3, 4 & 6 of 2013

P.Sukumar

... Petitioner

-Vs-

1. The Principal Secretary to Government,
Home Department
Secretariat Fort George, Chennai 600 009
2. The Deputy Inspector General of Police,
Economic Offences Wing II, TNHB Complex,
3rd Floor, 2nd Avenue, Anna Nagar,
Chennai 600 040.
3. The Competent Authority and District Revenue Officer,
Chennai Collectorate, Chennai 600 001.
4. The Tahsildar,
Egmore Nungambakkam Taluk, Chennai 600 031.
5. M/S.Aditya Birla Nuvo Ltd.
Registered Office at :Indian Rayon Compound
Veraval, Gujarat- 362 266
Acting through its Textile & Apparel Division
(knows as)Madura Fashion & Lifestyle
Rep. by its Authorised Signatory, S.Karunanithi.
(R5-Impleaded as per Order Dated 21/8/13
By KKSJ in M.P.No.4/13 in W.P.No. 14465/2013)
6. Mr.N.Ramesh Babu @N.Ramesh
(R6- Impleaded as per Order Dated 8/11/13
By KKSJ in M.P.No.6/13 in W.P.No. 14465/13) Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to G.O.Ms.529 dated 13.7.2012 (Home (Police XIX) Department) passed by the 1st respondent and to quash the same and consequentially to forbear the respondents from initiating any further action or



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proceedings under the provisions of the Act viz., The Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act 1997, against the petitioner.

For Petitioner : Mr.P.Rajendra Kumar

For R1 to R4 : Mr.K.Tippu Sultan (G.A.)

For R5 & R6 : No appearance

O R D E R

The petitioner challenges the order of interim attachment of individual property under Section 3 of the Tamil Nadu Protection of Interests of Depositors Act 1997. The contention of the petitioner was that the said property was purchased 14 years prior to incorporation of the chit fund company and his induction as a Director of the defaulting company that too after borrowing loans from the financial institutions. He is not a director of the defaulting company. Further in the property attached by the respondents he had only 1/5th of undivided share. Therefore, he would challenge the interim attachment on various grounds.

2. Today when the matter is taken up for hearing, it is submitted that the petitioner is no more, the proceedings stand abated as against the petitioner as well as his properties. Considering the fact that the property was purchased 14 years prior to starting of Chit Fund Company that too by borrowing loan from the financial institutions and that he possessed only 1/5th of the undivided share of the property and since it is stated that the petitioner is not a Director of the above said company, the attachment as against his property cannot be sustained. The attachment issued by the impugned G.O.Ms.529 dated 13.7.2012 (Home (Police XIX) Department) passed by the 1st respondent also stands abated and become infructuous. Therefore, the attachment proceedings become infructutous and abated. Further action against the petitioner's property is unenforceable.

Recording the same, this writ petition is closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar



sha/kpr

To

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W.P.No.14465 of 2013

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RSV(CO)
GMY(24/05/2022)