



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.8898 OF 2022

AND

W.M.P.NO.8733 OF 2022

L.Chandrasekaran

... Petitioner

.Vs.

1. The District Collector,
I Floor, Main Building,
District Collectorate,
Tiruchengode Road,
Namakkal - 637 003.

2. The District Revenue Officer,
Special Courts on Attachment,
Namakkal.

3. The State Rep. by
The Deputy Superintendent of Police,
EOW-II, Namakkal.
(Cr.No.1/2013)

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to disburse the sale proceed Rs.1,26,10,000/- (Rupees One Crore Twenty Six lakhs and Ten thousand only) lying in connection with C.C.No.20 of 2013 to the remaining depositors.

For Petitioner : Mr.S.Sheik Ismail

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



O R D E R

The writ petition has been filed seeking a direction to the second respondent to disburse the sale proceed Rs.1,26,10,000/- (Rupees One Crore Twenty Six lakhs and Ten thousand only) lying in connection with C.C.No.20 of 2013 to the remaining depositors.

2. The petitioner is facing trial for offence under Section 5 of TNPID Act and 120(B), 420 of I.P.C. It is not in dispute that one of the properties of the petitioner was already attached by the Competent authority and the same was sold by the competent authority for a sum of Rs.1,26,10,000/- and it is lying with them. The grievance of the petitioner is that he has already settled the amounts to the 43 depositors, in respect of which, necessary receipts also issued. Those receipts also marked as Exhibits and remaining 72 depositors have to be paid. Further, the amounts, which are lying with the Competent authority will be sufficient to settle the remaining depositors.

3. In such view of the matter, as the offence under Section 5 of TNPID Act is compoundable with the permission of the Court, the second respondent/District Revenue Officer, Namakkal shall take steps immediately to disburse the amount to the remaining 72 depositors and file a necessary application before the trial Court for compounding the offence under Section 5A of TNPID Act. The said exercise to be completed within a period of three months from the date of receipt of a copy of this order.

4. The learned counsel for the petitioner states that if any balance amount is due, the petitioner is ready to deposit the amount before the trial Court. On such deposit being made, the trial Court shall endeavour to dispose of the case, since the offence is compoundable in nature. In the event, the petitioner is failed to pay the remaining amount, the trial Court shall proceed thereafter as per law. The trial Court shall not pronounce the judgment till the entire amount is settled.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi



Note:-

The uploaded order can be utilized for the purpose of the execution of the order.

To

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1. The District Collector,
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Tiruchengode Road,
Namakkal - 637 003.
2. The District Revenue Officer,
Special Courts on Attachment,
Namakkal.
3. The Deputy Superintendent of Police,
EOW-II, Namakkal.

+1cc to Mr.S.Sheik Ismail, Advocate, S.R.No.38508

W.P.NO.8898 OF 2022 AND
W.M.P.NO.8733 OF 2022

AK-II (CO)
PBS/24/06/2022