



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **25.01.2022**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.1278 of 2022
and
W.M.P (MD)No.1122 of 2022

1.D.Nobel Jeba Nesar
2.S.K.Prasila
3.E.Edward Jeba

... Petitioners/
Petitioners

Vs.

1.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

2.The Deputy Superintendent of Police,
Economic Offence Wing - II,
(Finance Institution)
Kanyakumari District.

... Respondents/
Respondents.

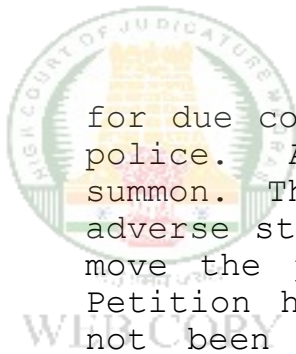
Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to direct the respondents not to proceed with the petitioner's property in R.Sy.No.24/19, 24/20, 24/21, situated in Middulam Village, Kalkulam Taluk, Kanyakumari District, pursuant to Crime No.1 of 2021 on the file of second respondent Police Station.

For Petitioners : Mr.V.M.Balamohan Thampi
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioners have purchased the property in question, vide sale deed, dated 02.11.2020. Their vendor is an accused in a case arising under TNPID (FE) Act, 1997. The petitioners have been served with summons in this regard. The stand of the petitioners is that they are *bonafide* purchasers and the property purchased by them



for due consideration cannot be proceeded against by the respondent police. At this stage, the respondent police have only issued a summon. The petitioners have already given a reply and if any adverse step is taken by the respondents, the petitioner can always move the jurisdictional Court for relief. As on date, the Writ Petition has been prematurely filed. The property in question has not been attached. This Court cannot restrain any statutory authority from discharging the statutory functions. As and when, cause of action arises, the petitioner can work out their rights on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter.

3. With this liberty to the petitioner herein, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
Kanyakumari District,Nagercoil.

2.The Deputy Superintendent of Police,
Economic Offence Wing - II,
(Finance Institution)
Kanyakumari District.

+1 CC to M/s.V.M.BALAMOHAN THAMPI, Advocate (SR-2644[F] dated 27/01/2022)

W.P (MD)No.1278 of 2022

and

W.M.P (MD)No.1122 of 2022

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MGJ(11.02.2022) 2P 4C

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