



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.14795 of 2021

and

W.M.P. (MD)Nos.11699 & 11701 of 2021

WEB COPY

R.Ramanathan

... Petitioner

Vs.

1.The Sub Registrar,
Melakarur, Karur District.

2.The Inspector of Police,
Economical Offence Wing,
Karur, Karur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the second respondent in Na.Ka.No.15/INSPR/EOW/KRR/2020, dated 18.02.2020 and to quash the same as illegal and without jurisdiction and consequently direct the first respondent to register the judgment and decree passed in O.S.No.101 of 2020, dated 10.11.2020 on the file of the Principal District Court, Karur submitted by the petitioner.

For Petitioner : Mr.B.Saravanan
For Respondents : Mr.J.K.Jayaseelan
Government Advocate

O R D E R

Heard the learned counsel on either side.

2. The petitioner is figuring as 3rd defendant in O.S.No.424 of 2000 on the file of the Sub Court, Karur. By judgment and decree dated 20.12.2020, the property in question was allotted to the petitioner's share. The petitioner's children filed O.S.No.101 of 2020 on the file of the Principal District Court, Karur claiming share in the said property. The petitioner figured as first defendant. A compromise decree was passed on 10.11.2020. 2/3rd share in the petition mentioned property was allotted to the petitioner's children. The said compromise decree was presented before the first respondent for registration. The first respondent declined to register the compromise decree in view of the impugned communication sent by the second respondent. It is relevant to note here that the petitioner is figuring as an accused in Crime No.1 of 2020 registered on the file of the Karur Police Station, Economic Offence Wing for the offences under Sections 406, 420, 120 B of IPC r/w Section 5 of Tamil Nadu Protection of Interest of Depositors (In



Financial Establishment) Act, 1997. The second respondent wanted the first respondent to decline to register the document in question presented by the petitioner. Challenging the same, this Writ Petition has been filed.

3. It is beyond dispute that the second respondent has no jurisdiction to issue the impugned communication. As per the statutory scheme set out in TNPID Act, based on the proposal to be submitted by the competent authority, the Government must issue G.O. for attaching the properties of the accused.

4. The petitioner's counsel would remark that only those properties that were purchased or obtained out of the deposits taken from the depositors alone can be attached. The property in question is said to be an ancestral property. Be that as it may, since the second respondent has no authority in law to restrain the first respondent from registering the document, the impugned communication stands quashed. The matter cannot end there.

5. Sri Nithi Capitals, Sri Navanithi Finance & Sri Navanithi Credit are the financial establishments in which the petitioner had a role to play. The said financial establishments had committed default.

6. The learned Government Advocate would state that as many as 55 depositors had lost their valuable earnings to the tune of few crores of rupees. It is stated that even though the final report was filed by the second respondent, the Special Court declined to receive the same. As per Rule 25 of the Criminal Rules of Practice, 2019, final report cannot be returned.

7. Therefore, the second respondent is directed to re-present the final report after rectifying the defects pointed out by the Court within a period of four weeks from the date of receipt of a copy of this order. There upon, the jurisdictional special court shall take cognizance. The Special Court will also endeavor to conclude the trial as early as possible.

8. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The Judge,
Special Court for TNPID Act Cases,
Karur.

2.The Principal District Judge,
karur.

3.The Sub Registrar,
Melakarur,
Karur District.

4.The Inspector of Police,
Economical Offence Wing,
Karur,
Karur District.

+1 CC to M/s.B. SARAIVANAN, Advocate (SR-29089[F]
dated 30/06/2022)

+1 CC to M/s.SPL.GP (SR-28724[F] dated 29/06/2022)

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