



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2022

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 20527 of 2021

Muthukumar

... Petitioner

Vs.

1. The Inspector of Police,
Economic Offence Wing - II,
Madurai.
2. The Sub Registrar,
Madagupatty Sub Registrar Office,
Sivagangai District.
3. The District Revenue Officer,
Sivagangai .
(R-3 is suo motu impleaded
vide order dated 07.01.2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to recall the letter issued to the second respondent in C.No.1 of INS-II of EOW of 2021 dated 16.03.2021 and permit the second respondent to register the sale deeds in respect of the lands as per power deed dated 09.10.2018 to enable the petitioner to settle the amount to depositors.

For Petitioner : Mr.N.Sundaresan

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side).

For R-2 & R-3 : Mr.R.Ragavendran,
Government Advocate(Crl. Side).

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocates(Crl Side) appearing for the respondents.

2. The petitioner had worked as an agent for a company by name Jeevan Property Promoters Limited, Madurai. The said company had floated a scheme and a number of persons had joined the said scheme

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and invested their moneys. However, the financial establishment committed default. Therefore, Crime No.1 of 2019 came to be registered on the file of the Economic Offence Wing, Madurai against the said company and its promoters. Following the registration of the criminal case, the investigation officer wrote the petition mentioned communication to the second respondent and as a result the transactions involving the assets of the company could not be registered. The case of the petitioner is that he is already having power of attorney of the promoters of the company even before the registration of the First Information Report and that therefore, he must be allowed to act as power of attorney.

3. It is not possible for this Court to grant the relief sought for by the petitioner. A number of the persons have invested their moneys in the scheme floated by the accused company. The assets will have to be attached and sold so that the proceeds can be disbursed on pro rata basis to the depositors. A group of persons cannot be allowed to walk away with the assets. Therefore, I *suo motu* impleaded the competent authority. Thiru.Manivannan, impleaded third respondent / District Revenue Officer, Sivagangai appeared before this Court through video conferencing.

4. The first respondent is directed to collect the asset particulars of the accused company and forward the same to the third respondent within a period of three weeks from the date of receipt of a copy of this order. The third respondent shall submit a proposal to the Government for attaching the said properties. The Government, namely, the Secretary to Government, Home Department, Government of Tamil Nadu, Chennai, shall issue a Government Order attaching the properties of the accused company within a period of two months thereafter. The time line stipulated above will be strictly adhered by respondents 1 and 3 and the Government of Tamil Nadu.

5. Considering the special facts and circumstances obtaining in this case, the District Revenue Officer, Sivagangai shall act as the competent authority. He can also submit proposals in respect of the properties that are located in Trichy and Madurai also. The first respondent shall submit a comprehensive proposal including all the properties wherever they are located. The third respondent is directed to include all of them in his proposal to be submitted to the Government.

6. With these directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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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 Inspector of Police,
Economic Offence Wing - II,
Madurai.
- 2.The Sub Registrar,
Madagupatty Sub Registrar Office,
Sivagangai District.
- 3.The District Revenue Officer,
Sivagangai .
- 4.The Secretary to Government,
Home Department,
Government of Tamil Nadu, Secretariat,
Chennai-600 009.

+2 CC to M/s.N.SURENDRAN, Advocate (SR-2745[F] dated 28/01/2022)
W.P.(MD)No.20527 of 2021
27.01.2022

MGJ(02.02.2022) 3P 7C