

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2022

CORAM :

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P(MD)No.22701 of 2022

S.Ramesh

...Petitioner

Vs.

1.The District Registrar,
The District Registrar Office,
Thanjavur.

2.The Sub-Registrar,
Papanasam, Thanjavur District.

3.The Deputy Superintendent of Police,
Economic Offences Wing (EOW),
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter issued by the third respondent in C.No. 256/84/DSP/EOW/RMD @ Trichy/2021 dated 04.07.2022 and quash the same as illegal, arbitrary and consequently direct the respondent Nos.1 and 2 to register the document in accordance with law insofar as it relates to property comprised in Survey Number 92/1 and 92/1C in Saliyamangalam Road, Papanasam Town, Papanasam Taluk, Thanjavur District on the basis of the petitioner's representation dated 16.09.2022 and 20.09.2022.

For Petitioner : Mr.A.Joel Paul Antony

For Respondents : Mrs.K.Christytheboral
for R1 & R2

Mr.R.Sivakumar (For R3)
Government Advocate (Crl.side)

ORDER

The Petitioner has filed the above Writ Petition to quash the impugned letter issued by the third respondent in C.No.256/84/DSP/EOW/RMD @ Trichy/2021, dated 04.07.2022 and consequently, direct the first and second respondents to register the document in accordance with law, insofar as it relates to the property comprised in Survey Numbers. 92/1 and 92/1C in Saliyamangalam Road, Papanasam Town, Papanasam Taluk, Thanjavur District, on the basis of the petitioner's representation, dated 16.09.2022 and 20.09.2022.

2.The learned Government Advocate (Crl.side) objects to the line of arguments of the learned counsel for the petitioner stating that the Rule cited by the learned counsel for the petitioner i.e., ***1.W.P(MD).No.3404 of 2009*** in the case of ***R.G.Rathinam -Vs- The Sub Registrar and another*** ***2.W.P(MD).No. 11651 of 2011*** in the case of ***Rajambal -Vs- The Inspector General (Registration) and 2 others*** is not applicable to the facts of the case. As per the provisions of the TANPID Act, when the case is investigated in respect of the property, the said property can be attached as per Section 5 of the Tamil Nadu Protection of Interest of Depositors in Financial Establishment Act. It is a State legislation enacted by the State of Tamil Nadu in the year 1998. Under this Act, any property that was purchased using the money of the depositors of the Financial establishment, which defaults or fails to return the deposits, will be

attached by issuance of Government Order based on the report of the Investigating Officer. Under these circumstances, the Ruling relied by the learned counsel for the petitioner is not applicable, as it is covered by a separate legislation. Therefore, the learned Government Advocate (Crl.side) further submits that the proceedings for attaching the property is carried out at the initial stage. Before proceeding with the attachment, the Investigating Officer will issue notice under Section 8 of the TANPID Act to the Registrar concerned.

3.In the light of the vehement objection made by the learned Government Advocate (Crl.side) and also the fact that the investigation is still pending at the initial stage, the argument of the learned counsel for the petitioner is rejected. Accordingly, the Writ Petition stands dismissed. No costs.

27.09.2022

Index :Yes/No

Rmk

To

- 1.The District Registrar,
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- 3.The Deputy Superintendent of Police,
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SATHI KUMAR SUKUMARA KURUP, J.,

Rmk

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