



WP(MD)No.23411 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.11.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.23411 of 2022

A.P.Thambi

... Petitioner

/vs./

1. The District Superintendent of Police  
Economic Offences Wing  
Kanyakumari District (Nagercoil)

2. The Inspector of Police  
Mandaikadu Police Station,  
Kanyakumari District

3. V.Thulasi @ Ramakrishnan

4. A.Ajitha

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to take necessary action upon the petitioner complaint dated 02.10.2022 which is pending before the file of the 1st Respondent.



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For Petitioner : Mr.K.Dinesh  
For Respondents : Mr.B.Nambiselvan  
Additional Public Prosecutor

**ORDER**

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents 1 and 2 to take necessary action upon the Petitioner's complaint dated 02.10.2022 which is pending before the file of the 1st Respondent.

2. On perusal of the affidavit of the Petitioner, it is found that based on the complaint of the Petitioner and similar other persons the Respondent 1 and 2 had investigated the case and ended up in laying final report before the Special Judge, TANPID Court, Madurai.

3. The learned Additional Public Prosecutor would submit that CC No. 7 of 2014 is pending on the file of the learned Special Judge, TANPID Court, Madurai in which LW. 1 to LW.46 were already examined and L.W 47 to LW.63 are yet to be examined on 29.11.2022. When the case is pending at the part heard stage the



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Petitioner herein had sent representation that he need his money back along with interest for which copy of the complaint is enclosed along with this petition.

4. For the act of cheating committed by the persons under the guise of Financial Establishment, to help the depositors who had lost their valuable hard earned money the State of Tamil had enacted the Tamil Nadu Protection of Interest and Depositors (in Financial Establishment) Act, 1997. Based on which Special Court had been constituted in various parts of the State and also special team has been formed in the Tamil Nadu Police as Economic Offence Wing. Based on the said statute the Respondents 1 and 2 had taken proper action. Further when the case is pending part heard, the Petitioner herein had been examined already. The Petitioner's representation that he need his money back along with interest cannot at all be accepted under Article 226 of the Constitution of India.

6. The Special Court under TANPID Act had powers to settle the claim of the depositors from the money, assets of the Directors of the Financial



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Establishment on petition filed by the Competent Authority before the Special Court under TANPID Act. Whiles, ignoring the statute the attempts of the Petitioner filing Writ Petition under Article 226 of the Constitution of India is unacceptable. There is specific provision under TANPID Act to protect the depositors.

7. In the result, the Writ Petition stands dismissed. No costs.

**15.11.2022**

Index : Yes / No

Internet : Yes / No

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**TO:**

1. The District Superintendent of Police  
Economic Offences Wing  
Kanyakumari District (Nagercoil)
2. The Inspector of Police  
Mandaikadu Police Station,  
Kanyakumari District
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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**SATHI KUMAR SUKUMARA KURUP, J.**

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