



W.P.No.4915 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.4915 of 2015
and M.P.Nos.1 & 2 of 2015

R.Prabakaran

.. Petitioner

VS

1.The Deputy Superintendent of Police,
Economic Offences Wing – II,
Namakkal District.

2.The Sub Registrar,
Rasipuram,
Namakkal District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari calling for the records comprised
in Na.Ka.No.34/DSP/EOW-II/2014 dated 26.12.2014 of the first
respondent, quash the same.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.Alagu Gowtham
Government Advocate

ORDER

The petitioner claims to be a bonafide purchaser of the
property at Survey No.106/1B ad-measuring 2.10 acres and Survey



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No.108/2 ad-measuring 2.96 ½ acres situated at Thengappalayam Village, Rasipuram Taluk, Namakkal District under registered sale deed dated 05.09.2013 (properties / properties in question).

2. The aforesaid properties have been attached by way of the impugned order of attachment in Na.Ka.No.34/DSP/EOW-II/2014 dated 26.12.2014 by the first respondent / the Deputy Superintendent of Police, Economic Offences Wing - II, Namakkal District. The attachment is in pursuance of action that has been taken in Cr.No.3 of 2012 against Sree Mahalakshmi Nagar Real Estate, T.V.Ramalingam and K.Arulmani for offences under various provisions of Tamil Nadu Protection of Interest of Depositors Act, 1997 (Act).

3. On 06.02.2023, I had noted as follows:-

"Read this order in continuation of and conjunction with order dated 25.01.2023.

2. Status report dated 02.02.2023 is filed today by the Investigation Officer. The Hon'ble Commission that was appointed by order of Mr.Justice B.Rajendran dated 29.01.2016 is stated to be in seizin of the proceedings for settlement of the depositors.

3. The Hon'ble Commission has been, in fact, and in effect, discharging the functions of the TNPID Court. It is the say of the respondents that there are orders similar to the order that is presently under challenge in this writ petition attaching other properties which are also



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subject matter of the proceedings before the Hon'ble Commission.

4. For this reason and for the reason that there must be uniformity in proceedings, I am not inclined to disturb the impugned attachment now.

5. At request of Mr.Alagu Gowtham, learned Government Advocate to obtain instructions from the Hon'ble Commission as to the status of the disbursements as on date and the anticipated time for conclusion, this matter is adjourned by two (2) weeks.

6. List on 09.02.2023 to await status report."

4. Today, learned Government Advocate has filed a memo,

stating as follows:-

"It is submitted that when the matter came up on 06.02.2023 the Learned Judge had directed the Learned Government Advocate to get instruction regarding the timeline from the Hon'ble Commission headed by this Lordship Mr.Justice Akbar Ali (Rtd.) regarding the completion of process in respect to settling the depositers.

Upon oral instruction from the Hon'ble Commission had stated that as the extension of time is pending before the Criminal Court in Crl.M.P.No.3104/2023 (filing number) and based on the time granted by the Hon'ble Madras High Court the Commission would discharge the duties within the said time period.

It is submitted that as and when the extension of time is ordered and then the case of the petitioner will be taken up on priority and dispose the case of the petition.

Under these circumstances, it is humbly prayed that this Hon'ble Court may be pleased to accept the memo and dismiss the above writ petition and thus render justice."



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5. Thus, as on date, the Hon'ble Commission awaits an extension of time for completion of proceedings which time has to be fixed by the Criminal Court in Crl.M.P.No.3104 of 2023 (pending filing and listing). In light of the aforesaid trajectory of events, I am not inclined to intervene or disturb the impugned order of attachment.

6. Learned Government Advocate submits, on instructions that the present petitioner is participating in the proceedings before the Hon'ble Commission and that his case will be taken up on priority as and when the term of the Hon'ble Commission is extended and hearing resumed.

7. With this, and in light of the discussion as above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

09.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm



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To

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DR. ANITA SUMANTH,J.

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