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W.P.No.7326 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7326 of 2015

K.V.Pownraj

... Petitioner

Vs

1.The Sub-Registrar,
Ammapettai,
Krishnagiri District.

2.The Inspector Police,
Economic Offences, Section 2,
Erode District, Erode.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus calling for the records pertaining to the proceedings issued in order dated 07.10.2014 of the 2nd respondent, and quash the same, and issue consequential direction to the 1st respondent to delete the entries with regard to the restraint/encumbrance made with regard to petitioner's property for registration of the said property, situated in S.No.850/1, measuring about 4 acres 54 ½ cents with the building thereon in Kurichi Village, Erode District.

For Petitioner : Mr.Kabilan
For Mr.M.Ravi



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For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 & R2

ORDER

The objection letter submitted by the Inspector of Police, Economic Offences Wing, Erode to the Sub Registrar, Ammapettai, Erode District in letter dated 25.01.2014 is under challenge in the present writ petition.

2. The petitioner entered into an agreement with one Alma Emu Farms for sale of his property. The said Emu Farm committed certain economic offences and a criminal case was registered against Alma Emu Farm and against its Directors in Crime No.05/2012 under Section 120 (B), 406, 420 I.P.C. and Section 5 of the TNPID Act, 1997 on 13.08.2012. The criminal case was pending before the Sub Court for trial.

3. The learned counsel for the petitioner states that the petitioner is not an accused and no way connected with Alma Emu Farms and he had proposed to sell his property to the said Farm. The advance amount received from the said Alma Emu Farms were returned back to them and therefore, the objection raised against the property belonging to the petitioner is to be



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deleted.

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4. Admittedly, the petitioner entered into an agreement of sale with Alma Emu Farms and the said Farm has involved in a criminal case pending before the Special Court constituted under the TNPID Act. It is not made clear that whether the Government attached the property or not. Further, the petitioner has to approach the Special Court for the purpose of redressal of his grievances if the property has already been attached. If the case has already been disposed of, then also the petitioner has to initiate appropriate steps to release his property or to clear the encumbrance. In either of the case of the petitioner has to approach the competent Court or the authorities as the case may be. Writ Court cannot conduct a roving enquiry in respect of the allegations raised in a criminal case between the parties.

5. In view of the complex facts and circumstances and considering the fact that the criminal case was pending during the relevant point of time, the objection raised by the Inspector of Police cannot be said to be infirm and the petitioner is at liberty to redress his grievances either by approaching the



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Special Court concerned or approach the authorities after the disposal or otherwise as the case may be.

6. With this liberty, the Writ Petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No

Speaking Order : Yes/No

Sgl

To

- 1.The Sub-Registrar,
Ammapettai,
Krishnagiri District.
- 2.The Inspector Police,
Economic Offences, Section 2,
Erode District, Erode.



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S.M.SUBRAMANIAM, J.

Sgl

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