



WEB COPY



C.M.P.No.8493 of 2023 in W.A.No. SR 48107 of 2022

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in W.A.No. SR 48107 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This petition has been filed by the petitioner to grant leave to file writ appeal against the order dated 9.12.2021 passed in W.P.No.5104 of 2019 contending that the petitioner was not impleaded as one of the necessary parties in the writ petition and behind its back, the first respondent herein obtained an order. Therefore, the petitioner has been advised to come to this Court questioning the direction given by the learned Single Judge granting liberty to the writ petitioner to proceed against the petitioner herein by initiating appropriate attachment proceedings in terms of Sections 3 and 4 of the Tamil Nadu Protection of Interest of Depositors Act, 1997.

2. Learned senior counsel appearing for the petitioner would submit that on 24.1.2022 the petitioner has been served with a notice under Section 170 and 91 Cr.P.C. by the Deputy Superintendent of Police, Economic Offences Wing-II, Chennai-83 and has been dragged



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into the criminal proceedings by the first respondent. The first respondent has resorted to the above measures only to cover up its failures in repaying the amounts due to its customers and is merely trying to divert the consequences that it has to face by involving the third parties like the petitioner. The fact remains that the petitioner did not borrow any money from the first respondent and the relationship between the petitioner and the first respondent was simple that of a lessor-lessee/owner-hirer.

3. We are satisfied with the reasons stated by the petitioner to grant leave to file writ appeal against the order dated 9.10.2021 passed in W.P.No.5104 of 2019.

4. At this stage, learned counsel appearing for the first respondent submitted that only a simple notice has been issued and the petitioner is no way affected by the issuance of the notice dated 24.1.2022. We are unable to find any justification in the submission made by learned counsel for the first respondent.



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5. For the reasons stated above and finding that the petitioner is affected by the order dated 9.12.2021 passed in W.P.No.5104 of 2019, leave is granted to the petitioner to file writ appeal against the said order.

6. Accordingly, C.M.P.No.8493 of 2023 is allowed.

(T.R., ACJ.) (D.B.C.,J.)
21.04.2023

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