



WEB COPY



W.P.No.2114 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2114 of 2008

and

M.P.Nos.2, 4, 5 of 2008

and

W.M.P.No.19834 of 2018

Senthilkumar

...Petitioner

Vs.

- 1.The Presiding Officer,
The Special Court under TNPID Act,
Chennai – 104.
- 2.The Secretary to Government,
Home (Courts II A) Department,
Chennai.
- 3.The Competent authority and
Additional Commissioner
Cinema and Irrigation,
Land Administration,
Chepauk, Chennai.
- 4.The Competent Authority and Revenue
Divisional Officer,
Trichirapalli District, Collectorate,
Trichirapalli.



W.P.No.2114 of 2008

5. The Inspector of Police,
Economic Offence Wing II,
Trichirapalli,
Cr.No:3/2000

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the G.O.Ms.No.354 and G.O.Ms.No.1300 Home (Courts II A) Department dated 24.4.2002 and 3.12.2003 respectively passed by the 2nd respondent and its consequential order passed by the 1st respondent in O.A.19/2002 and in O.A.24/2004 dated 30.09.2003 and 3.12.2004 respectively and quash the same as illegal, as far as the petitioner's property is concerned bearing S.F.No.217/4 of Edamalaipattiputhur Village in Trichy Taluk and District.

For Petitioner : Mr.S.Giritharan

For R1 : Court

For R2 to R5 : Mr.T.Arunkumar
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to call for the records pertaining to the G.O.Ms.No.354 and G.O.Ms.No.1300, Home (Courts II A) Department dated 24.4.2002 and 3.12.2003 respectively passed by the 2nd respondent and its consequential order passed by the 1st respondent in O.A.19/2002 and in O.A.24/2004 dated 30.09.2003 and



W.P.No.2114 of 2008

3.12.2004 respectively and quash the same as illegal, as far as the petitioner's property is concerned bearing S.F.No.217/4 of Edamalaipattiputhur Village in Trichy Taluk and District.

2. It is not in dispute that the Special Court judgment under the Tamil Nadu Protection of Interest of Depositors Act, 1997 [hereinafter referred to as 'TNPID Act'] ceased off the matter and even at the time of filing of the writ petition, O.A.No.19 of 2002 and O.A.No.24 of 2004 were disposed of. The order impugned passed by the Government in G.O.Ms.No.354, Home (Courts-IIA) Department dated 24.04.2002 reveals that the property belonged to the petitioner was attached under Section 3 of the TNPID Act, so also the other Government order issued in G.O.Ms.No.1300, Home (Courts-II A) pertains to the amendment regarding the attachment of the properties of the petitioner.

3. Once the issue has been ceased off under the provisions of the TNPID Act, and the trial Court adjudicated the issues, attachment or release of attachment is to be done through the Special Court by availing an appropriate application for security in lieu of attachment provided under the Government itself, the Government is competent to attach the property



W.P.No.2114 of 2008

during the pendency of the proceedings instituted under the TNPID Act.

Thus, the writ petition itself is not entertainable and the petitioner has to approach the Special Court constituted for the purpose of securing any relief on merits and in accordance with law.

4. Unfortunately, in the present case, the petitioner is enjoying the interim order of stay for the past about 14 years, which would cause irreparable prejudice to the interest of the poor depositors, who had invested their hard-earned money to private financial companies.

5. The learned counsel for the petitioner brought to the notice of this Court that the offence was compounded and the depositors were settled. It is not made clear about the nature of settlement made in favour of the depositors. If at all the offence has been compounded and the dues to the depositors were settled and any other property remains, then the petitioner has to approach the Special Court for appropriate remedy and the Writ Court cannot conduct a roving enquiry in respect of such disputes, which were adjudicated before the Special Court constituted under the TNPID Act.



W.P.No.2114 of 2008

6. This being the factum established, the petitioner is at liberty to work out their remedy in the manner known to law.

7. With this liberty, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

24.03.2023
(2/2)

Index : Yes
Speaking order
Neutral Citation: Yes

kak

To

1. The Presiding Officer,
The Special Court under TNPID Act,
Chennai – 104.
2. The Secretary to Government,
Home (Courts II A) Department,
Chennai.
3. The Competent authority and
Additional Commissioner
Cinema and Irrigation,
Land Administration,
Chepauk, Chennai.
4. The Competent Authority and Revenue
Divisional Officer,



W.P.No.2114 of 2008

WEB COPY

Trichirapalli District,

Collectorate,
Trichirapalli.

5.The Inspector of Police,
Economic Offence Wing II,
Trichirapalli,
Cr.No:3/2000



WEB COPY



W.P.No.2114 of 2008

S.M.SUBRAMANIAM, J.

kak

W.P.No.2114 of 2008
(2/2)

24.03.2023