



Writ Petition No.21192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21192 of 2023

1.K.Palaniappan
S/o.Kailasa Gounder (late)

2.P.Kanagarajan
S/o.Periyasamy Gounder

3.Sundaram
S/o.Periyasamy

...Petitioners

Vs

1.The Principal Secretary to Government,
Home (Police XIX) Department,
Chepauk, Chennai – 5.

2.The Additional Director General of Police,
Economic Offence Wing, Chennai – 32.

3.The Competent Authority/
District Revenue Officer,
Salem District – 636 007.

4.The Deputy Superintendent of Police,
Economic Offences Wing II,
Salem District – 636 004.



Writ Petition No.21192 of 2023

5.Sri Paavai Amman Finance rep. By its
Manager Murugesan,
1/156-Trichy Main Road,
Mallur, Salem District – 636 203.

... Respondents

PRAYER : Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the second respondent to consider the representation dated 10.02.2023 submitted by the petitioners herein and forwarded by the learned Special Judge for the Tamil Nadu Protection of Interests of Depositors Act, 1997 (“TNPID Act”), Coimbatore and take necessary steps for attaching the properties mentioned therein in terms of the relevant provisions under TNPID Act in respect of the case pending in O.A. No.13 of 2017 on the file of Court of Special Judge, TNPID Cases, Coimbatore, within a time frame as may be fixed by this Court.

For Petitioners : Mr.Sricharan Rangarajan,
Senior Counsel for Ms.Anu Ganesan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
[R1 to R4]

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus to consider the representation made by the petitioners on 10.02.2023 wherein the petitioners have sought for attaching the properties mentioned in the said report in terms of the relevant provisions under the TNPID Act.



2. Heard Mr.Sricharan Rangarajan, learned Senior Counsel appearing for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 to 4.

3. It is seen from records that pursuant to the representation made by the petitioners, the Special Judge, Special Court under the TNPID Act through communication dated 10.02.2023 has directed the second respondent, viz., Additional Director General of Police, Economic Offences Wing, Chennai, to take necessary action for attachment of the properties in accordance with law. The Special Court had also directed the second respondent to file a report in this regard. The grievance of the petitioner is that till date, no steps have been taken by the second respondent and left with no other option, the present writ petition has been filed before this Court.

4. Learned Senior Counsel appearing on behalf of petitioners submitted that the accused persons had cheated and misappropriated monies of nearly 28 depositors to the tune of nearly Rupees Five Crores. Out of the 28 depositors, it is claimed that 15 depositors have been settled and the

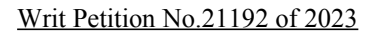


remaining depositors are yet to be settled to the tune of Rs.4,65,65,736/-.

Learned Senior Counsel submitted that the properties that have already been attached will not satisfy the amounts that are due and payable to the remaining depositors and it is valued only at approximately Rs.3.51 crores and hence, the other properties were identified and a request was made by the petitioners seeking for attachment of those properties. It is under these circumstances, the petitioners are forced to approach this Court.

5. Learned Additional Public Prosecutor appearing on behalf of respondents 1 to 4, on instructions, submitted that the direction issued by the Special Judge under the TNPID Act, Coimbatore will be complied with and a report will be filed before the concerned Court within the time stipulated by this Court.

6. In the considered view of this Court, it is suffice to issue a direction to the second respondent. Accordingly, the second respondent is directed to act upon the communication dated 10.02.2023 that was issued by the Special Judge, Coimbatore and a report shall be filed before the Special Court within a period of eight (8) weeks from the date of receipt of a copy



This Writ Petition is disposed of with the above direction. No costs.

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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Chepauk, Chennai – 5.
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