



WEB COPY



W.P.No.25402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.25402 of 2022
and
W.M.P.No.24381 of 2022

1.M/s. Siragiri Farms India Pvt. Ltd.,
No.33, Kanishka Complex, First Floor,
Opp. to Canara Bank, Kangeyam Road,
Chennimalai, Erode District.
(Represented by Managing Director A.Sathishkumar)

2.A.Sathishkumar ... Petitioners

Vs.

1.State represented by
Inspector of Police,
Economic Offence Wing II Unit,
Erode.

2.The Competent Authority and
District Revenue Officer,
Erode District, Erode.

3.Sub-Registrar,
Chennimalai,
Erode District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, or direction or order in the nature of Writ, directing the respondents to remove the attachment and return the original document of the petitioner bearing document No.1372 of 2012 dated 17.05.2012 in bearing (Old Survey No.164) New Subdivision ஈஈ.60/1, (Old Resurvey No.163, 164) Sub-Registrar Chennimalai, Erode District and remove the encumbrance entries in respect of pending before 3rd respondent.

For Petitioners : Mr. G.Murugendran
For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Writ Petition is filed to issue a Writ of Mandamus directing the respondents to remove the attachment and return the original document of the petitioner bearing document No.1372 of 2012, dated 17.05.2012, in (Old Survey No.164) New Subdivision ஈஈ.60/1, (Old Resurvey No.163, 164), Sub-Registrar, Chennimalai, Erode District and remove the encumbrance entries in respect of the same, pending before the third respondent.

2.The learned counsel for the petitioners submitted that the petitioners are accused in C.C.No.3 of 2015, on the file of the Special Judge, Special Court under Tamil Nadu Protection of Interest of Depositor Act, 1997,



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Coimbatore. The petitioners filed CrI.O.P.No.20027 of 2021 before this Court for quashing of the proceedings in the above C.C.No.3 of 2015. This Court, on 02.02.2022, allowed the petition and quashed the proceedings in C.C.No.3 of 2015 against the petitioners. Thereafter, petitioners filed O.A.No.4 of 2022 CNR.No.TNCB06-000265-2022 in O.A.No.38 of 2016 for raising interim attachment on the immovable petition mentioned property under Order XXI Rule 55 C.P.C. r/w Section 151 C.P.C. The learned Special Judge, Special Court under TNPID Act, Coimbatore, considering that the proceedings against the petitioners was quashed and that no purpose will be served by keeping the attachment over the property of the petitioners, ordered the attachment order passed in O.A.No.38 of 2016, dated 04.04.2017 to be raised. On the basis of this order, second petitioner sent a representation to the second respondent on 29.04.2022 for raising of the attachment. Till date, no steps had been taken by the respondents leading to the filing of this petition.

3.The learned Government Advocate (CrI.Side) submitted that the depositors have been settled and requested the Court to pass appropriate orders.



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4.In the light of the facts narrated above that the proceedings in C.C.No.3 of 2015 was quashed against the petitioners and that the attachment order passed in O.A.No.38 of 2016, dated 04.04.2017 was also raised by the learned Special Judge, Special Court under TNPID Act, Coimbatore, this Court directs the second respondent to pass positive orders on the representation of the second petitioner, dated 29.04.2022 and also return the original document of the petitioners bearing document No.1372 of 2012 dated 17.05.2012 in (Old Survey No.164) New Subdivision ஈஈ.60/1, (Old Resurvey No.163, 164), Sub-Registrar, Chennimalai, Erode District, within a period of four weeks from the date of receipt of a copy of this order. The second respondent is also directed to send a communication to the third respondent for removal of encumbrance entries from the concerned register.

5.With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is also closed. No Costs.

12.01.2023

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order



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To:

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- 1.State represented by
Inspector of Police,
Economic Offence Wing II Unit,
Erode.
- 2.The Competent Authority and
District Revenue Officer,
Erode District, Erode.
- 3.Sub-Registrar,
Chennimalai,
Erode District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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