



W.P.No.27206 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.27206 of 2021

and

W.M.P.No.28700 of 2021

S.Sundararajan

...Petitioner

-Vs-

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Home (Pol – 19) Department,
Secretariat,
Chennai – 600 009.

2.The Inspector of Police,
Central Crime Branch,
Vellore.

3.The Tahsildar,
Gudiyatham Taluk,
Vellore District.

4.The Inspector of Police,
E.O.W-II Sankaranpalayam,
Vellore District.
(R4- impleaded vide court order
dated 25.09.2023
made in W.M.P.No.24577 of 2023
in W.P.No.27206 of 2021)

...Respondents



W.P.No.27206 of 2021

Prayer : Writ Petition filed under Article 226 of Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent's impugned order vide proceedings G.O.M.S.No.1066, Home (Courts II A) Department, dated 24.10.2001 and quash the same, consequently direct the respondents to release the attachment order of the property shown in Item No.7 of the Annexure in the G.O. comprised in Survey No.64/2d1, 72/3A, 73/315, 64/2d, 64/10, situated at Dhanagondapalli Village, Gudiyatham Taluk, Vellore District.

For Petitioner : Mr.M.Jegadeesan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed challenging the order vide proceedings G.O.M.S.No.1066, Home (Courts II A) Department, dated 24.10.2001 and to quash the same and consequently to direct the respondents to release the attachment order of the property shown in Item No.7 of the Annexure in the G.O. comprised in Survey No.64/2d1, 72/3A, 73/315, 64/2d, 64/10, situated at Dhanagondapalli Village, Gudiyatham Taluk, Vellore District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.



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3. The petitioner is an accused in Crime No.4 of 1995, on the file of the second respondent for the offences under Sections 120b, 209 and 420 of IPC.

After completion of investigation, filed a final report and the same has been taken cognizance in C.C.No.56 of 2001 on the file of the Chief Judicial Magistrate Court, Vellore. Pending trial, the property of the petitioner was attached by G.O.Ms.No.1066, Home (Courts II A) Department, dated 24.10.2001 under Section 3 of TNPID Act, 1997 in order to settle to the depositors. The Trial ended in acquittal and thereby, acquitted the petitioner by the Judgment dated 07.12.2009.

4. Aggrieved by the same, the second respondent did not file any appeal. Thereafter, the Additional Public Prosecutor opined to raise attachment made in G.O.Ms.No.442 of 2009 dated 05.06.2009, G.O.Ms.No.451 of 2009 dated 09.06.2009 and G.O.Ms.No.1066 of 2001 dated 24.12.2001. Therefore, the Additional Director General of Police, Economic Offences Wing, Chennai, through the Superintendent of Police, Economic Offences Wing, North Zone, Chennai, forwarded a recommendation to raise the attachment made in the above said G.Os by the communication dated 05.09.2023. However, it is still pending.



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5. Considering the above facts and circumstances of the case, G.O.Ms.No.1066, Home (Courts II A) Department, dated 24.10.2001, is hereby quashed. Accordingly, the order of attachment in respect of the property shown in Item No.7 of the Annexure in the G.O. comprised in Survey No.64/2d1, 72/3A, 73/315, 64/2d, 64/10, situated at Dhanagondapalli Village, Gudiyatham Taluk, Vellore District is hereby raised. The concerned office of the Sub Registrar is directed to remove the encumbrance by way of attachment made in G.O.Ms.No.1066, Home (Courts II A) Department, dated 24.10.2001.

6. In view of the above, this Writ Petition is allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

16.10.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

- 1.The Secretary to Government,
The State of Tamil Nadu,
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G.K.ILANTHIRAIYAN. J,

mn

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