



W.P.(MD)Nos.19435 & 19436 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.19435 & 19436 of 2013

and

M.P.(MD)Nos.1,1,2&2 of 2013

Kumaran @ Kumaresan ... Petitioner in W.P.(MD)No.19435 of 2013

Manoharan Petitioner in W.P.(MD)No.19436 of 2013

Vs.

1.The Principal Secretary to Government,
Home (Police XIX) Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-09.

2.The Competent Authority cum
District Revenue Officer,
Virudhunagar,
Virudhunagar District.

3.The Inspector of Police,
Economic Offence Wing,
Virudhunagar,
Virudhunagar District.

... Respondents in both W.Ps.

4.Sureshkumar ... Respondent in W.P.(MD)No.19435 of 2013

5.I.Rahamathullah ... 4th Respondent in W.P.(MD)No.19436 of 2013



W.P(MD)Nos.19435 & 19436 of 2013

Prayer in W.P.(MD)No.19435 of 2013: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the 1st respondent Impugned G.O. Ms. No.745 Home (Police XIX) Department, dated 26.09.2013 and quash the same.

Prayer in W.P.(MD)No.19436 of 2013: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the 1st respondent Impugned G.O. Ms. No.823 Home (Police XIX) Department, dated 09.10.2013 and quash the same.

For Petitioner : Mr.V.Nadarajan

For Respondents : Mr.D.Gandhi
Special Government Pleader for R1 to R3

(in both W.Ps) : Mr.M.Jothi Basu
for Mr.G.Marimuthu for R4

COMMON ORDER

Heard the learned counsel on either side.

2. The petitioners are figuring as accused in Crime Nos.2 & 4 of 2012 registered on the file of the Inspector of Police, EOW, Virudhunagar for the offences under Sections 420, 406 & 120(b) IPC r/w Section 5 of TNPID Act, 1997. The petitioners were running a financial establishment along with others in the name and style of Susi Emu Forms



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India (P) Ltd. The said establishment had collected deposits from as many as 165 persons. A sum of Rupees Three Crore Fifty Two Lakh and Sixty Thousand is involved. The petitioners were also arrested. The properties standing in the name of the financial establishment were attached by the Government by passing the impugned G.Os under Section 3 of TNPID Act, 1997. It is not in dispute that the petitions have been filed under Section 7 of the Act for making interim attachment absolute and for directing the properties to be sold in public auction. C.C.Nos.15 & 18 of 2013 are still pending. Under Section 7 of the Act, the petitioners can very well place their objections before the Special Court itself.

3. In this view of the matter, granting liberty to the petitioners to place their objections before the Special Court in the pending proceedings, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

1.The Principal Secretary to Government,
Home (Police XIX) Department,
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2.The Competent Authority cum
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