



W.P(MD)No.1837 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1837 of 2023

and

W.M.P.(MD)Nos.1627 and 1629 of 2023

A.R.Boothalingam Pillai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the District Collector,
Kanyakumari District,
Nagercoil.

2.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

3.The Inspector of Police,
Economic Offences Wing,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned auction sale notice published in the “Daily Thanthi” news paper dated 31.12.2022 by the 2nd respondent and quash the same as illegal.



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For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.B.Saravanan,
Addl. Government Pleader for R1 & R2.
Mr.B.Thanaga Aravindh,
Govt. Advocate (Crl. Side) for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the auction sale notice issued by the competent authority under TNPID Act. The petitioner had entered into a sale agreement with the persons who are running the financial establishment in question. Since sale deed was not executed, the petitioner filed O.S.No.21 of 2011 on the file of the Additional District and Sessions Court, Nagercoil seeking the relief of specific performance. The suit is still pending. The fact remains that the petitioner has only filed a suit for specific performance. At the instance of such a person, it is not possible for the Writ Court to interfere with the impugned auction sale notice. TNPID Act was enacted to safeguard the interest of depositors. The petitioner is not a depositor. Of course, the petitioner appears to have lost his hard earned money. But the petitioner has to lodge his claim only before the jurisdictional Special Court. It is not possible for this Court to interfere in the matter at this stage.



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3. Leaving open all the other rights and remedies of the writ petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The District Revenue Officer,
Kanyakumari District,
Nagercoil.
3. The Inspector of Police,
Economic Offences Wing,
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