



W.P. (MD).No.3291 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.3291 of 2020
and W.M.P(MD)Nos.2769 to 2771 of 2020 & 22436 of 2023

K. Mukeshbabu

... Petitioner

Vs

1. The State of Tamil Nadu,
Home (Courts II-A), Secretariat,
Chennai - 9.
2. The Additional Commissioner/Competent Officer,
(TNPID Act) Cinema and Irrigation,
Department of Land Administration),
Chepauk, Chennai - 5.
3. The District Collector,
Theni District Theni.
4. The District Revenue Officer,
O/o.The District Revenue Officer,
Theni District.
5. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Periyakulam, Theni District.
6. The Tahsildar,
O/o. Tahsildar, Theni District.



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direction, restraining the respondents from disturbing the peaceful possession and enjoyment of the subject property.

2. When the matter came up for hearing on 11.10.2023, this Court passed the following order:

“The petitioner being the subsequent purchaser has challenged the Government order in G.O.Ms.No.70 dated 20.01.2004, wherein the subject property was attached under the TANPID Act and the consequential order passed by the 6th respondent dated 07.01.2020.

2. The learned counsel for the petitioner submitted that pursuant to the remand order passed by this Court in Crl.R.C.(MD) No.606/2008 dated 08.09.2014, the matter was once again taken up by the trial Court and the case itself ended in acquittal with respect to all the accused persons except the prime accused through judgment dated 21.09.2021. The learned counsel submitted that by virtue of this subsequent development, the continuation of the order of attachment of the subject property may not be required.

3. The learned Special Government Pleader seeks for some time to take instructions in this regard. In the meantime, the learned counsel for the de-facto complainant also wants to take instructions and if necessary to implead himself in the present writ petition. Post this writ petition under the caption, 'for orders' on 06.11.2023.”



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3. When the matter was taken up for hearing today, the learned Special Government Pleader produced the judgment passed in C.C.No.18 of 2014 on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors Act, 1997, Madurai, dated 21.09.2021. On going through the same, it is seen that except A2, all the other accused persons were acquitted from all charges. Insofar as A2 is concerned, he was convicted and sentenced in the following manner:

“31. Considering the gravity of offences, the 2nd accused sentenced to undergo rigorous imprisonment for five years and to pay fine of Rs.50,000/- u/s.5 of TNPID Act in default of payment of fine sentenced to undergo rigorous imprisonment for one year. The 2nd accused is sentenced to undergo rigorous imprisonment for three years u/s 420 IPC and to pay a fine of Rs.5000/- in default of payment of fine sentenced to undergo rigorous imprisonment for three months and sentenced to undergo rigorous imprisonment for a term of one year and to pay fine of Rs.5000/- u/s 406 IPC in default of payment of fine sentenced to undergo rigorous imprisonment for three months. All the above sentences imposed for the offences shall run concurrently. The period of imprisonment already undergone by 2nd accused Manikandan from 10.9.2003 to 23.09.2003 is ordered to be set off us 428 Cr.P.C.. (Total fine Rs.60000/-)”



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4.In view of the above, the attachment order passed during the pendency of the case is no more in force and hence there is no question of bringing the subject property for auction sale. The Government Order issued by the first respondent and the consequential impugned order passed by the sixth respondent pales into insignificance by virtue of disposal of the main case in C.C.No.18 of 2014, which was taken note of by this Court, supra.

5.In view of the same, the petitioner will be entitled to enjoy the subject property as the absolute owner, without any interference. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed. By virtue of order passed in WP(MD) No.3291 of 2020, WMP(MD)No.22436 of 2023 stands closed.

06.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM



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To

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O/o. Tahsildar, Theni District.
7. The Revenue Inspector,
Theni, Theni District.



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N.ANAND VENKATESH, J.

PNM

ORDER IN
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