



W.P(MD)No.8090 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.8090 of 2023
and WMP(MD)No.7456 of 2023

R.Smiyathal

... Petitioner

Vs

1. The Secretary to Government,
Govt of Tamil Nadu,
Home (Courts II A) Department,
Fort St.George, Chennai-09.
2. The Competent Authority and
District Revenue Officer,
Karur, Karur District.
3. The District Collector,
Karur District, Karur.
4. The Sub Registrar,
Joint I Registration Office, Karur.
5. The Inspector of Police,
Economic Offence Wing II, Karur,
Karur District (Crime No. 1/2004).

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in G.O.Ms.no. 828 Home (Courts II-A) Department, dated 27.05.2004 and quash the same and consequently direct the third and fourth respondents to delete or make necessary entries in the registration records including encumbrance certificate by removing the entry of attachment made on the basis of G.O.Ms.No. 828 Home (Courts II -A) Department, dated 27.05.2004 in respect of the petitioner's property comprised land with storeyed building at D.No. 35 and 36 West Kanjaya Street, 2nd Ward, 2nd Division, Karur Town in T.S.No.420 for an extent of 780 sq.ft.

For Petitioner	:Mr. R.Mathiyalagan
For R1 to R3, R5	:Mr.J.Ashok Additional Government Pleader
For R4	:Mr.M.Prakash Additional Government Pleader

ORDER

The writ petition has been filed in the nature of mandamus, seeking interference with the order passed by the first respondent in G.O.Ms.No. 828 Home (Courts II-A) Department, dated 27.05.2004 and consequently direct the third and fourth respondents/District Collector, Karur District and the Sub Registrar, Joint I Registration Office, Karur, to



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delete or make necessary entries in the registration records, including encumbrance certificate by removing the entry of attachment made in G.O.Ms.No. 828 Home (Courts II -A) Department, dated 27.05.2004, with respect to property of the petitioner at D.No. 35 and 36 West Kanjaya Street, 2nd Ward, 2nd Division, Karur Town in T.S.No.420 for an extent of 780 sq.ft.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner is the owner of the aforementioned property. She had commenced a partnership firm with others in the name and style of “Thevigam Financiers” at No.732-B, Jawahar Bazar, Karur. They had collected deposits from the public.

3.A complaint was lodged against her under the provision of TNPID Act and a charge sheet has been filed by the fifth respondent before the Special Judge under the Tamil Nadu Protection of Interests of Depositors Act, 1997, Chennai. Subsequently, she had compounded the offence and had paid back the entire amount collected by her as deposit. This had also been recorded by the Court. She had also been acquitted by Judgment, dated 16.03.2021 in C.C.No.12 of 2005.



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4.Since she had returned back the entire deposit amounts and was acquitted by the Court, she had given a representation before the third and fourth respondents that the entry of attachment will have to be necessarily deleted in the Encumbrance Certificate in respect of the aforementioned property.

5.The first respondent is the competent authority to delete the entry and to raise the order of attachment. It is also informed that the fifth respondent had also recommended to the Superintendent of Police, Karur District that the attachment may be raised.

6.In view of the same, a direction is given to the first respondent, to, within a period of six weeks from the date of receipt of a copy of this order, examine the entire records relating to C.C.No.12 of 2005, which had been disposed of on 16.03.2021 and by which, the petitioner herein had been acquitted against all charges, thereafter, come to a subjective satisfaction to delete the order of attachment, with respect to aforementioned property, in an appropriate manner and in manner known to law.



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7. With the above direction, this Writ Petition is stands disposed.

No costs. Consequently, connected miscellaneous petition is closed.

11.04.2023

NCS : Yes/No
Index : Yes/No
Internet: Yes/No

PNM

To

1. The Secretary to Government,
Govt of Tamil Nadu,
Home (Courts II A) Department,
Fort St. George, Chennai-09.
2. The Competent Authority and
District Revenue Officer,
Karur, Karur District.
3. The District Collector,
Karur District, Karur.
4. The Sub Registrar,
Joint I Registration Office, Karur.
5. The Inspector of Police,
Economic Offence Wing II, Karur,
Karur District (Crime No. 1/2004).



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PNM

ORDER IN
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