



W.P(MD)No.7364 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.07.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.7364 of 2018
and
W.M.P(MD) No.7053 of 2018

C.Sathish

... Petitioner

-Vs-

1. The Principal Secretary to the Government
Government of Tamil Nadu,
Home (Police XIX) 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
Velayuthampalayam,
Karur District

5. The Inspector of Police
Economic Offence Wing -II,
Karur, Karur District

... Respondents



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PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent in G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013 and quash the same and consequently direct the respondents 3 and 4 to delete or to make necessary entries in the registration records including encumbrances certificates by removing the entry of attachment made on the basis of G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013 in respect of the petitioner's property comprised in S.F.No.1145/2 to an extent of 0.13.5 Acres(1/2 share) and S.F. No.1146/1 to an extend of 0.09.5 Acres (1/2 share) total extent of 0.11.5 Acres at Punjaipugalur South Village, Manmangalam Taluk ,Karur District.

For Petitioner : Mr.R.Mathiyalagan
For Respondents : Mr. R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 1st respondent in G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013 and quash the same and consequently direct the respondents 3 and 4 to delete or to make necessary entries in the registration records including encumbrances certificates by removing the entry of attachment made on the basis of G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013 in respect of the petitioner's property comprised in S.F.No.1145/2 to an



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extent of 0.13.5 Acres(1/2 share) and S.F. No.1146/1 to an extent of 0.09.5 Acres (1/2 share) total extent of 0.11.5 Acres at Punjaipugalur South Village, Manmangalam Taluk ,Karur District.

2. According to the petitioner, he was arrayed as A19 in C.C. No.85 of 2008 on the file of the Special Court under the Tamil Nadu Protection of Interest of Depositors (In financial Establishment)Act, 1997, Madurai and subsequently due to the absence of the petitioner the case was split up in C.C. No.4 of 2015, thereafter the trial Court acquitted all the accused vide judgment dated 26.11.2015, hence the impugned order of the first respondent dated 04.03.2013 is liable to be quashed.

3. The learned counsel appearing for the petitioner contended that the first respondent has passed the G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013 by attaching properties of the petitioner and the main case itself was disposed on 26.11.2015 and thereafter the petitioner was acquitted. Already this Court has quashed the said G.O.Ms.No.141 Home (Police XIX) Department vide order dated 13.07.2021 based on the acquittal, judgment passed against the co-accused , hence the attachment G.O.Ms.No.141 Home (Police XIX) Department is liable to be quashed.



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4. The learned Additional Public Prosecutor appearing for the respondents has also admitted that all the accused were acquitted and this Court has also quashed the G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013, in respect of those accused.

5. Heard both sides and perused the materials available on record.

6. On perusal of the records it is observed that the case against this petitioner in C.C. No. 4 of 2015 was acquitted vide judgment dated 26.11.2015 and in C.C. No.85 of 2008 co-accused were acquitted and this Court in W.P(MD) No.11588 of 2021 has quashed the said G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013 in respect of one P. Nagammal. Now this petition has been filed for quashing the same G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013. as against this petitioner.

7. In view of the above said judgment already the petitioner was acquitted in the main case and also considering the facts and circumstances of the case, it is appropriate to allow this petition and



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accordingly the order passed in G.O.Ms.No.141 Home (Police XIX) Department, dated 04.03.2013 is held to be inoperative. The second respondent shall take immediate steps to get the interim attachment lifted from the records for the fourth respondent within a period of four weeks from the date of receipt of a copy of this order.

8. This Writ Petition is allowed with the above said directions.
No costs. Consequently connected miscellaneous petition is closed.

24.07.2023

Index : Yes/No
Internet : Yes/No
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To

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P.DHANABAL, J.

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