



WP (MD) No.18221 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18221 of 2023

D.Gurunathan

... Petitioner

Vs

1.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District,
Madurai.

2.The Inspector of Police,
Economic Offence Wing-II,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent No.1 to make an application under Section 7(8) of TNPID Act, before the Special Court for TNPID Cases in order to make equitable distribution among the depositors on the basis of the petitioner's representation dated 08.07.2023.

For petitioner : Mr.C.M.Mari Chelliah Prabhu

For Respondent : Ms.D.Farjana Ghousia

No.1 Special Government Pleader

For Respondent : Mr.P.Kottaichamy

No.2 Government Advocate



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ORDER

The petitioner is said to be a depositor and an agent in a finance company viz., Blessing Agro Farm India Limited. This writ petition is filed for a direction to the respondent No.1 to make an application under Section 7(8) of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 before the Special Court for TNPID Cases to make equitable distribution among the depositors by considering the petitioner's representation dated 08.07.2023.

2.The learned Counsel appearing for the petitioner submits that the 2nd respondent Police registered a case as against the Blessings Agro Farm India Limited and has attached its certain properties. The case is pending in CC.No.2 of 2019 before the Special Court for TNPID Cases. The learned Counsel further submits that accused No.5 Joseph Jeyaraj has now come forward to deposit a sum of Rs.Two crores in order to raise the attachment upon his property and also filed OA.7 of 2022 before the Special Court for TNPID Cases, Madurai to deposit the amount as security in lieu of subject property for raising the attachment and the Special Court has also raised the attachment order on the basis of the deposit



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amount through its order dated 15.03.2023. Since the deposit has already been made, the Special Officer under the TNPID Act has to take necessary action by filing an application under Section 7(8) of the TNPID Act.

3.In this case, the accused has deposited a sum of Rs.1,80,60,000/- before the Special Court and in view of the same, an order of attachment has already been lifted by order dated 31.01.2023. This order dated 31.01.2023 passed in OA.No.7 of 2022 was challenged by one of the depositors R.J.Ilango before the Court in CMP(MD)No.3735 of 2023 and this Court has entertained the same and also granted an order of interim stay of the order dated 31.01.2023

4.In view of the same, this writ petition is disposed of with liberty to the petitioner to implead himself in the petition in CMP(MD)No.3735 of 2023 and work out his remedy. No costs.

10.08.2023

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