



W.P.(MD).No.19533 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

W.P.(MD).No.19533 of 2021

and

W.M.P.(MD).Nos.16222 and 16223 of 2021

Muthoot Finance Limited,
Represented by its Regional Manager,
G.Vigneswaran.

... Petitioner

Vs.

1.The Principal Secretary to Government,
St.George Fort,
Chennai.

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

3.P.Sivaraj

4.R.Kavitha

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the Government order passed in G.O.Ms.No.379, Home (Police XIX) Department, dated 04.05.2015, on the file of the first respondent and G.O.Ms.No.942, Department of Home (Police XIX), on the file of the first respondent, dated 16.12.2014 and its consequential orders



W.P.(MD).No.19533 of 2021

passed by the second respondent in Na.Ka.No.267/2021/
Ka.Thu.K/Po.Ku.Pi/Madurai/, dated 11.10.2021 and to quash as illegal.

For Petitioner : Mr.K.R.Laxman
For R-1 and R-2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The petitioner, Muthoot Finance Limited represented by its Regional Manager, had filed this Writ Petition challenging the Government Orders in G.O.Ms.No.379 Home (Police XIX) Department dated 04.05.2015 and G.O.Ms.No.942, Home (Police XIX) Department dated 16.12.2014, on the ground that no notice has been issued to the petitioner either before or after issuance of the orders.

2. The learned counsel for the petitioner submitted that the petitioner came to know about the attachment of the jewels pledged by its customers, one of whom is said to have involved in a case in Crime No.1/2013 for the offences under Sections 406, 420, 120(b) IPC and Section 5 of TNPID Act, 1997, by communication dated 27.04.2021. Till such time, the petitioner was not aware about the same. He further submitted that G.O.Ms.No.942 dated 16.12.2014



W.P.(MD).No.19533 of 2021

and G.O.Ms.No.379 dated 04.05.2015 have been issued claiming to protect the interest of the depositors as per the TNPID Act.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that one M/s.Sun Financial Consultancy, M/s.Rex Life Care Solution Private Limited and Relica Agro Farms and Estates Limited had defaulted the deposits before and thereby misappropriated, cheated the funds of the public depositors. In the interest of public, the properties of the Director, officers and employees of the said Firm and Company were attached earlier preliminary attachment made and thereafter, filed appropriate petition before the concerned Court namely, Special Court for TNPID Act and the attachments are being made. The petitioner, if at all aggrieved by the attachment of not being given any notice, they ought to have approached the Special Court for TNPID Act cases and file appropriate petition before the concerned Court in the original applications and it is for the concerned Court to decide whether the attachment has been proper or not. The learned Additional Public Prosecutor submitted that the petitioner without following legal process cannot approach this Court directly and hence, he strongly opposed the petition.



W.P.(MD).No.19533 of 2021

4. Considering the submissions made on either side and perusal of materials available on record, it is seen that in this case, the respondent Police, following the provisions of TNPID Act, set to attach the properties of the concerned firms and persons involved in Crime No.1/2013. It is also informed that Crime No.1/2013 had culminated into a charge sheet and now the proceedings is pending before the Special Court for TNPID Act cases. Hence, this Court is not inclined to entertain the present Writ Petition. However, the petitioner is granted liberty to make his submission and address his grievance before Special Court for TNPID Act cases, Madurai by filing appropriate application in the OA proceedings. On receipt of such an application, the Trial Court is directed to follow all the procedures in accordance with law.

5. With the above liberty, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



W.P.(MD).No.19533 of 2021

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1.The Principal Secretary to Government,
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Chennai.

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

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD).No.19533 of 2021

M.NIRMAL KUMAR, J.

Lm

W.P.(MD).No.19533 of 2021

13.09.2023