



WEB COPY



W.P.No.691 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.691 of 2024
and
W.M.P.No.716 of 2024

S.Abirami
D/o.S.Sankar

... Petitioner

Vs.

1.Additional Superintendent of Police,
Economic Offence Wing – Head Office,
Ashok Nagar, Chennai – 600 083.

2.Joint Sub Registrar No.4,
Office of the Sub Registrar,
Kanchipuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to letter dated 20.02.2023 of the first respondent addressed to competent authority, District Revenue Officer, Kanchipuram District and quash the same insofar as it relates to the property in serial No.4 in the list of properties annexed thereto and permit the petitioner to encumber the same.

For Petitioner : Ms.S.Thamizharasi
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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2. Heard Ms.S.Thamizharasi, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. The main grievance that was expressed by the petitioner is that she purchased the subject property through document No.6769 of 2022 from one Suresh Kumar. The petitioner claims to be a bonafide purchaser for value. The petitioner wanted to deal with this property to meet some urgent expenses. When she approached the second respondent, she was informed that she cannot deal with the property in view of the steps being taken by the police to attach the properties. The petitioner caught hold of



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the communication dated 20.02.2023 in this regard. The same has been put to challenge in the present writ petition.

4. In the instant case, there is an investigation going on in Crime No.7 of 2022 against M/s.Aarudhra Gold Trading Pvt. Ltd. This entity had cheated lot of depositors and hence, the police is in the process of identifying the properties that have been dealt with and to attach the same pending investigation. This step is being resorted to in order to bring those properties for sale and to distribute the sale proceeds to the depositors.

5. One such property identified by the police also covers the property that was purchased by the petitioner. Through the impugned communication dated 20.02.2023, the Additional Superintendent of Police, Economic Offences Wing, wanted to conducted a joint field inspection before taking steps to attach those properties. Considering the magnitude of the case, a direction has been given to the concerned Sub-Registrar Office not to permit anyone to deal with those properties, which have been identified for attachment.



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6. In the considered view of this Court, the communication made by the Additional Superintendent of Police to the competent authority, is in the nature of an internal communication, which can never be questioned by the petitioner. Admittedly, the petitioner has purchased this property only after the investigation had commenced in Crime No.7 of 2022. The petitioner has to necessarily wait for the final decision to be taken by the authority before attaching the property. If ultimately, the property belonging to the petitioner is also attached and the petitioner claims herself to be a bonafide purchaser for value, the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, itself provides for a mechanism to seek for raising the attachment. That exercise cannot be done in a writ petition.

7. In the light of the above discussion, this Court does not find any ground to interfere with the impugned communication dated 20.02.2023 and as and when the property is attached, it will be left open to the petitioner to approach the competent authority for raising the attachment. Except giving this clarification, no further orders can be passed in this petition.



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Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

11.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Additional Superintendent of Police,
Economic Offence Wing – Head Office,
Ashok Nagar, Chennai – 600 083.

2.The Joint Sub Registrar No.4,
Office of the Sub Registrar,
Kanchipuram.

3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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