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WP.No.1845 of 2023

In the High Court of Judicature at Madras

Dated : 27.2.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.1845 of 2023  
& WMP.No.1951 of 2023

1.Praseetha Balachandran  
2.Krishna Balachandran  
3.Anjana Balachandran

...Petitioners

Vs

1.The State of Tamil Nadu,  
through the Inspector of Police,  
CBCID (Organized Crime Unit),  
Coimbatore City.

2.The Sub-Registrar,  
Periyanaickenpalayam,  
Coimbatore.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records pursuant to the impugned notice in L.No.28/2015 dated 01.12.2015 issued by the 1st respondent under Section 91 of the Criminal Procedure Code in connection with Crime No.2 of 2015 on the file of the 1st respondent, quash the same in respect of their registered property as document No.643 of 2015 dated 22.1.2015 on the file of the Sub-Registrar Office, Periyanaickenpalayam, Coimbatore District.



WP.No.1845 of 2023

For Petitioners : Mr.S.Saravanan  
For R1 : Mr.A.Gopinath, GA (Crl.Side)

ORDER

This writ petition has been filed challenging the notice dated 01.12.2015 issued by the first respondent under Section 91 of the Criminal Procedure Code (for short, the Code) directing the second respondent not to entertain any documents pertaining to the properties that have been mentioned in the said notice.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. A counter affidavit has been filed by the first respondent. On going through the same, it is seen that during the course of investigation, the impugned notice was issued by the first respondent under Section 91 of the Code. Ultimately, the investigation was completed and only four immovable properties were identified in the names of A1 and A2. The properties, which were identified, were attached by the order dated 01.4.2019 passed by the Principal District Court, Coimbatore and it was also made absolute.



WP.No.1845 of 2023

4. For proper appreciation the relevant paragraphs in the counter filed by the first respondent are extracted as hereunder :

*"14. It is humbly submitted that after completion of investigation, only 4 immovable properties were identified in the name of A1 Johnson and A2 Cinzy Johnson. The accused using the funds of the clients and bought immovable assets and registered in (1) Sub-Registrar Office, Joint II, Raja Street, Doc.No.1356/2014 dated 24.3.2014, 1092 sq.ft., Tenungupalayam village S.F.No.392/2, for Rs.12,93,000/- (2) Avinashi Sub-Registrar Office Doc.No.9789/2014, Velayutham Palayam Village, S.F.No.170/2 Rs.43,66,200/- (3) Palladam Sub-Registrar Office Doc.No.2590/2011, Mathappur Village S.F.No.593/2 in the name of A1 Johnson P.Jose for Rs.24,700/- (4) Joint I SRO, Collectorate Campus, Doc.No.4404/2014, Kurichi Village S.F.No.53/2A in the name of A1's wife A2 Cinzy Johnson for Rs.17,50,000/- worth about Rs.74,33,900/- were attached by the order of the Principal District Court, Coimbatore in CrI.O.P.No.01/2018 dated 01.4.2019 was made absolute, those properties are to be attached to save the interest of the unwary victims.*

*15. It is humbly submitted that based on this, the Sub-Registrar, Periyanaickenpalayam, Coimbatore registered this police notice u/s 91 Cr.P.C. and was documented in L.No.28/2015 dt. 01.12.2015 against Doc.No.643/2015. In this case, only 4 immovable properties were detected and attached with PDJ Court, Coimbatore in the names of accused A1 and A2 only.*

*16. It is respectfully submitted that the property of the defacto complainant situated in survey Nos. 225/3A, 225/3A2 at Gurudampalayam village,*



WEB COPY



WP.No.1845 of 2023

*Coimbatore District North Circle, Periyanaickenpalayam  
Sub-Registrar Office, measuring an extent of 25 cents  
081 sq.ft., was not attached to this case and this case  
was under concluding stage to file a final report."*

5. The stand taken by the first respondent in the counter is recorded and the writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

27.2.2024

To

1.The Inspector of Police,  
CBCID (Organized Crime Unit),  
Coimbatore City.

2.The Sub-Registrar,  
Periyanaickenpalayam,  
Coimbatore.

3.The Public Prosecutor,  
High Court, Madras.

RS



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N.ANAND VENKATESH,J

RS

WP.No.1845 of 2023&  
WMP.No.1951 of 2023

27.2.2024