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W.A.No.1074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B. BALAJI

W.A.No.1074 of 2023

and CMP.Nos.10862, 25145, 25140, 10866 of 2023

S.Natarajan

.. Appellant

Vs

- 1.Union of India,
Represented by its Secretary (Home),
Government of Pondicherry,
Pondicherry.
- 2.The Deputy Collector (North),
O/o. The Collectorate,
(Competent Authority under PPIDFE Act)
Pondicherry.
- 3.Pondicherry Non Banking Investors Protection
Association of PNL Nidhi Limited,
Represented by its President Govindasamy
No.154, Ambedkar Salai.
- 4.The PNL Nidhi Limited,
189, Mission street Pondicherry,
Residing at No.1/39, Agraharan Street,
Kumbakonam.



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5.V.Kannan

6.V.Baskaran

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7.The Superintendent of Police (CID),
O/o. CBCID of Police,
Pondicherry.

8.The Government of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St.George,
Chennai-600 009.

9.State represented by
Superintendent of Police,
Economic Offences Wing-II,
Cuddalore.

10.District Revenue Officer,
(Competent Authority under TNPID Act),
Cuddalore.

11.PNL Limited,
Cuddalore Branch Depositors Welfare Association,
Govindaswamy Nagar, Cuddalore,
Represented by its President,
S.Ramachandran.

12.Regina Fathima Marie Saint Jacques ..Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.04.2023 made in WMP.No.8998 of 2023 in W.P.No.4722 of 2016.

For Appellant : Mr.K.G.Raghavan, Senior Counsel



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for M/s.Preeti Mohan

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For Respondents : Mr.S.Raveekumar, Govt. Pleader (Puduchery)
for R1 and R2
Mr.S.Ravi, Senior Counsel
for Mr.Sanjeevi for R4 to R6
Mr.R.Muniyapparaj,
Assistant Public Prosecutor for R7 and R9
Mr.A.Edwin Prabakar, State Government Pleader
for R8 and R10

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JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

This Writ Appeal has been filed as against the interim order passed by the Writ Court dated 20.04.2023 passed in WMP.No.8998 of 2023 in W.P.No.4722 of 2016, insofar as suspending Paragraph 20 Clause (g) of the order dated 18.03.2021 passed in W.P.No.4722 of 2016, 18681 and 18683 of 2020 for a period of one week.

2. Mr.K.G.Raghavan, learned Senior Counsel appearing for the appellant would contend that the appellant has filed the instant writ appeal as against the interim order of the Writ Court on the ground that a clarification petition was filed by the respondents 1 and 2 and when the said clarification petition was taken up by the Writ Court, the appellant has sought liberty to



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file counter affidavit in response to the clarification petition filed by the respondents 1 and 2 and after hearing the parties, the Writ Court has granted interim order to suspend Paragraph 20 Clause (g) of the order dated 18.03.2021 passed in W.P.No.4722 of 2016, 18681 and 18683 of 2020 for a period of one week and posted for filing counter affidavit. The learned Senior Counsel for the appellant has further contended that the clarification petition filed by the respondents 1 and 2 itself is not maintainable and therefore, he has filed the instant writ appeal challenging the interim order passed in the clarification petition.

3. Mr.S.Raveekumar, learned Government Pleader (Puducherry) appearing for the respondents 1 and 2 would contend that if the clarification petition is not maintainable, the appellant may file their counter affidavit along with relevant documents / materials and agitate all the grounds in the aforesaid clarification petition pending before the Writ Court and therefore, prays for dismissal of this writ appeal and for a direction to the Writ Court to dispose of the clarification petition at the earliest.

4. Considering the fact that the respondents 1 and 2 has filed the clarification petition before the Writ Court seeking clarification of the order



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dated 18.03.2021 passed in W.P.No.4722 of 2016, 18681 and 18683 of 2020, wherein interim order has been granted for a period of one week and posted for filing counter affidavit and as of now, the said clarification petition is pending before the Writ Court, in such circumstances, we are not inclined to entertain this writ appeal.

5. At this juncture, learned Senior Counsel for the appellant contended that the appellant has earlier filed an appeal as against allowing of the impleading petition and it was closed and therefore, he also seeks liberty to raise objection with regard to maintainability of the impleading petition before the Writ Court. In reply, the learned Government Pleader (Puducherry) appearing for the respondents 1 and 2 submitted that the earlier writ appeal has been filed as against the extension of interim order and it was not filed as against the impleading petition as contended by the learned Senior Counsel for the appellant.

6. In the light of the above, the Registry shall place all the connected pending applications and petitions before the learned Single Judge. The learned counsel for the respective respondents undertakes to file counter



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affidavits before the Writ Court within a period of two weeks from today as to the maintainability of the petitions. The learned Single Judge shall endeavour to consider the request of the parties for disposal of the clarification petition at the earliest, preferably within a period of two months and the parties concerned shall also cooperate for early disposal of the application.

7. The Writ Appeal stands dismissed accordingly. The appellant is at liberty to file counter affidavit before the Writ Court along with supporting documents / materials and agitate all the grounds before the Writ Court including the maintainability of the clarification petition. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., A.CJ.] [P.B.B.J.]
20.08.2024

Internet: Yes/No
Index : Yes/No
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To
1.The Secretary (Home),
Union of India, Government of Pondicherry,
Pondicherry.

2.The Deputy Collector (North),



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O/o. The Collectorate,
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O/o. CBCID of Police, Pondicherry.

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