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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) Nos.2337 and 2338 of 2024

A.Uma Maheswari

... Petitioner in W.P.(MD) No.2337 of 2024

S.Arumugam

... Petitioner in W.P.(MD) No.2338 of 2024

/vs./

The Inspector of Police,
Economic Offence Wing,
Tirunelveli District.

... Respondent in both W.Ps.,

PRAYER in W.P.(MD) No.2337 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent to issue No Objection Certificate in respect of plots Nos. 562, 560, 563, 561 respectively comprised in S.No. 775, Sivalarkulam Village, Alangulam Taluk and Plots Nos. 635 Comprised in S.No.671/1, Plots Nos.55, 56 comprised in S.No.672/3, Kodakanallur Village, Tirunelveli Taluk based on the Petitioner's representation dated 13.12.2023.

PRAYER in W.P.(MD) No.2338 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to issue No Objection Certificate in respect of plots Nos. 701, 662 comprised in S.No. 17/3, 17/3, Plot No. 325 Comprised S.No. 38/1A, Plot No. 665 comprised in S.No. 17/1A, Serukankurichi Village, Tirunelveli Taluk and plot nos.46, 47 comprised in S.No.412/2, Sankanthiradu Village, Tirunelveli Taluk and Plot No. 632 comprised in S.No. 670/1, Kodakanallur Village, Tirunelveli Taluk and plot No. 160 comprised in S.No. 479, Akilandapuram Village, Kayathar Taluk and plot Nos. 482, 481, 441, 592, 593 comprised in S.No. 775, 774 and plot No. 274 comprised in S.No. 1305 Sivalarkulam Village, Alangulam Taluk based on the Petitioner's representation dated 13.12.2023.



For Petitioner
WEB COPY in both W.Ps., : Mr.S.Kumar

For Respondent
in both W.Ps., : Mr.M.Veeranthiran
Government Advocate (Crl.side)

COMMON ORDER

The learned Counsel for the Petitioners submitted his arguments on 06.02.2024. As per his submission, the Petitioners purchased the plots. To meet out their medical expenses, they wanted to sell the property. At that time, when they approached the Sub Registrar concerned, the Sub Registrar informed them that there is notification from the Respondent Police not to register the property, as it is involved in a case registered by the Economic Offences Wing. Therefore, they were forced to approach this Court seeking direction against the Respondents to issue the 'No Objection Certificate' in respect of the petition mentioned plots.

2.The learned Government Advocate (Crl.side), on instructions of the Respondent, would submit that they will verify and issue the 'No Objection Certificate', if it is not required for further proceedings.

3.Accordingly, the District Revenue Officer concerned as Competent Authority on perusal of the report of the Respondent shall pass appropriate orders to issue the



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'No Objection Certificate', if it is found that the properties are not involved in the offence attracting TNPID Act.

4. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-
14.02.2024

These petitions having been posted on Wednesday the Twenty Seventh day of March Two Thousand and Twenty Four under the caption "for being mentioned". In pursuance to the order of this Court dated 14.02.2024 and made herein in the presence of the above said Advocates, this Court the following order:

At the instance of the learned Counsel for the Petitioner, the matter has been listed today under the caption "For Being Mentioned."

2. The learned Counsel for the Petitioner in W.P.(MD)Nos.2337 and 2338 of 2024 submits that the earlier order passed to the competent authority under the TNPID Act, to verify with the Economic Offence Wing and issue No objection Certificate for the properties mentioned in W.P.(MD)Nos.2337 and 2338 of 2024. The District Revenue Authority who is a competent authority, to issue No objection Certificate, if the properties were not attached. Even if it is attached, the Petitioner is not involved in Economic Crime, therefore, it is for the competent authority to verify it and issue No objection Certificate. When the case came up for hearing on 14.02.2024, the learned Government Advocate (Criminal Side) undertook to issue



No objection Certificate, after verification with the investigation officer and the records of the investigation.

3. Today, i.e., 27.03.2024, the learned Counsel for the Petitioner in the Writ Petitions submitted that No objection Certificate was not issued. Till date the properties were not attached.

4. The District Revenue Officer, Tirunelveli, shall verify and issue No objection Certificate within a period of two weeks.

5. Registry is directed to send a copy of this order to the District Revenue Officer, Tirunelveli, if the Economic Offence Wing is related to Tirunelveli.

Sd/-

Assistant Registrar(AD II)

// True Copy //

/04/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

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TO:

(*)To be substituted to the order which is already despatched on 26/03/2024

1. The Inspector of Police,
Economic Offence Wing,
Tirunelveli District.



2. The District Revenue Officer, Tirunelveli.

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

+1 CC to M/s.S.KUMAR, Advocate (SR-5515[F] dated 16/02/2024)

W.P.(MD) Nos.2337 and 2338 of 2024
14.02.2024

MGJ(07.03.2024) 5P 3C

RD(10/04/2024)5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023