



W.P.(MD)No.19217 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:28.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19217 of 2023

M.Mohamed Kamaludeen @ M.Kamaal

... Petitioner

Vs.

1.The Superintendent of Police,
(Economic Offences Wing),
O/o.The Superintendent of Police (EOW),
SIDCO, Corporate Building First Floor,
Thiru.Vi.Ka.Industrial Estate,
Guindy.

2.The Deputy Superintendent of Police (EOW),
O/o.The Deputy Superintendent of Police (EOW),
No.4/425A, Chandirapandiyar Nagar,
Thabal Thanthi Nagar, Madurai.

3.The Inspector of Police (Economic Offences Wing),
O/o.The Inspector of Police (EOW),
No.4/425A, Chandirapandiyar Nagar,
Thabal Thanthi Nagar, Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent No.3 to lifting the attachment in respect of Survey No.TS No.1560/1, addressed in No.13, Kennet Cross Street, Ellis Nagar, Madurai, consequently direct the respondents not to harass the petitioners tenants who is residing in



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the said property, by considering the representation dated 13.06.2023.

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For Petitioner : Mr.S.Mohamed Ali Jinnah

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This application has been filed for a writ of mandamus directing the third respondent to raise the attachment with respect to the subject property and for a consequential direction to the respondent not to harass the tenants who are occupying the property.

2.The respondents 1 to 3 have filed a counter-affidavit. On going through the same, it is seen that an FIR has been registered in Crime No.5 of 2020 for offences under Sections 406, 420, 120(b) of IPC and Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act 1997, against M/s.Green Tech Distributors Private Limited and others. They are said to have collected deposits from various persons and they have cheated to the tune of Rs.45,78,31,125/- from nearly 1578 depositors. It is also mentioned in the counter-affidavit that steps are being taken to get the properties identified and attached in



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accordance with the provisions of the TNPID Act. Ms.A.Kamar Nisha, Inspector of Police, Economic Offences Wing, Madurai, was present before this Court and the police officer informed this Court that the properties have already been identified and they are only awaiting for the report from Public Works Department and thereafter, they will proceed further to attach the properties. Since there is some delay on the side of PWD, they are not in a position to proceed further with the process of attachment.

3.In the light of the above stand taken by the respondents, it is clear that there is no attachment of property till date. The respondents have also made it clear that such attachment will take place only in accordance with the provisions of the TNPID Act. Therefore, it will suffice to record the stand taken by the respondents and dispose of this case.

4.This writ petition is disposed of accordingly and there shall be a direction to the Public Works Department to furnish the report to the investigation officer within a period of six weeks from the date of



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receipt of a copy of this order. On receipt of the same, the investigation officer shall proceed further to attach the properties in accordance with the provisions of the TNPID Act.

28.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

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2.The Deputy Superintendent of Police (EOW),
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3.The Inspector of Police (Economic Offences Wing),
O/o.The Inspector of Police (EOW),
No.4/425A, Chandirapandiyar Nagar,
Thabal Thanthi Nagar, Madurai.

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



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N.ANAND VENKATESH,J.

PKN

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