



**W.P(MD)No.17836 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 31.07.2024**

**CORAM :**

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.17836 of 2024**

**Natarajan**

**... Petitioner**

**Vs**

**1. The Superintendent of Police,  
Office of Superintendent of Police,  
Sivagangai District.**

**2. The Inspector of Police,  
Thirupachethi Police Station,  
Sivagangai District.**

**... Respondents**

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent by its letter dated 26.07.2023 in Na.Ka. No. 07/Ka.Aa/Thirupachethi/2024 and quash the same as illegal and consequently, direct the respondents to grant permission to conduct demonstration for attention to the Revenue Department for disbursing the Invested amount in the Neomax company on 31.07.2024, time 10.00 AM at Panchayat Union Office, Thirupachethi, Sivagangai District or any other day as fixed by this Court by considering the petitioner's representation dated 26.07.2024.



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For Petitioner : Mr. D.S.Haroon Rasheed  
For Respondents : Mr.M.Sakthi Kumar  
Government Advocate (Crl. side)

### **ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, as against the respondents to grant permission to conduct dharna in front of the Panchayat Union Office, Thirupachethi, Sivagangai District.

2. The grievance of the petitioner is that though a case has been registered by the Economic Offence Wing, the same has not been prosecuted in a proper manner. The learned Counsel for the petitioner, by relying on the judgment passed by this Court in W.P.(MD)No.3154 of 2019, submitted that the agitation of the public is a right which has been conferred on them by the Constitution, however, the respondent police, without any reasons, have rejected the request of the petitioner.

3. The learned Government Advocate (Crl. Side) submits that the petitioner is having certain grievance as against the Economic Offence



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Wing. However, he has not ascertained the stage of the investigation in the case which has been investigated by the Economic Offences Wing.

Without doing so, he is making some bald allegations as against the Economic Offence Wing and also attempting to project as if the investigation agency is not conducting the investigation in a proper manner. Further, he submits that the accused in the finance frauds are themselves engaging some parties and filing the applications repeatedly that they have to be added as parties in the investigation. This is how the applications are filed by several victims for months together. Though action taken by the police are known to every one of the victims, the complaints are lodged in a peace meal manner and some pressure is also made to the Investigation Officer to conclude the investigation within a stipulated time.

4. This Court considered the rival submissions made .

5. The petitioner claims that he is a victim in finance fraud. Though several cases are registered as against the finance companies which are cheating the public, the petitioner and others are depositing money without any caution. There are several public limited Banks



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available for deposit of amount. Despite the same, they are choosing such finance companies in order to make more money. The cases registered under the TANPID Act are also not seeing the light of the day, in view of the writ petitions filed by the depositors seeking to implead themselves as witnesses. This is how the witnesses are added and thousands of victims are shown as witnesses, as such, naturally the investigation is also delayed and the process of trial is also delayed. The Government is also not showing any interest to frame any guidelines restricting the number of witnesses and to conclude the trial in a time bound manner.

6. This Court has also observed in several other petitions as to the manner in which the amount has been recovered from the accused and disbursed to the victims. A detailed observation in this regard has been made by this Court in CRP(MD)No.169 of 2022 dated 08.06.2023. The scheme of the Act itself is providing a methodology for recovering the properties and to attach the same and to appropriate the money to the victim. However, the District Revenue Officers, who are appointed under the Act as the Competent Authorities, are not taking any steps to disburse the amount or to sell the property or to attach the property at the



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earliest.

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7. The petitioner herein in this case has not collected any material as to the stage the investigation by seeking information under the Right To Information Act. He has also not added the Economic Offence Wing as a party to this petition. Without knowing the stage of the investigation from the Economic Offence Wing, this Court is not inclined to permit the petitioner to conduct any agitation as against the Economic Offence Wing, which would certainly demoralise the Investigation Agency or it would tend to file the final report without completing the investigation in a proper manner. Therefore, this Court is not inclined to entertain this application.

8. Accordingly this Writ Petition is dismissed. No costs.

**31.07.2024**

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

jbr



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To

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1. The Superintendent of Police,  
Office of Superintendent of Police,  
Sivagangai District.
2. The Inspector of Police,  
Thirupachethi Police Station,  
Sivagangai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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