



W.P.(MD) No.20371 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.20371 of 2019

Richerd Hemryraj

... Petitioner

Vs.

1.The Secretary,
Home Secretary (Court IIA) Department,
Secretariat, Chennai – 600 009.

2.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents to refund the collected rental amount for the period of 2002 to 2014 for the house situated in Survey No.276/2, Karunthancode, Kalkulam Taluk, Kanyakumari District, as per G.O.No.352, dated 24.04.2002, considering the order passed in I.A.No.33 of 2018 in O.A.No.3 of 2008, on the file of the Special Court under TNPID Act, Madurai, on 11.04.2019.

For Petitioner

: Mr.M.Ramu

For Respondents

: Mr.P.Sivanupandian
Government Advocate



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ORDER

WEB COPY This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to refund the collected rental amount for the period of 2002 to 2014 for the house situated at Survey No.276/2, Karunthancode, Kalkulam Taluk, Kanyakumari District, as per G.O.No.352, dated 24.04.2002, by considering the order passed in I.A.No. 33 of 2018 in O.A.No.3 of 2008, on the file of the Special Court under TNPID Act, Madurai, on 11.04.2019.

2. A Status Report, dated Nil March, 2020 of the competent authority under the TNPID Act has been filed. Paragraph Nos.4 to 7 of the said report read as under:-

"4.In this regard a case was filed by the Inspector of Police, EOW, Nagercoil against the defaulted banker Jerma Banker and it is adjudicated in CC.No.51/2008 before the Special Court, TNPID Court, Madurai. The case was disposed on 25.02.2013 after due settlement made by the defaulted Jerma banker.

5. Then, the petitioner's father preferred an application before the Special (TNPID) Court, Madurai praying to raise the attachment of his property and to refund the rental amount collected during the attachment period. The Special Court in its order I.A. No. 33/2018 in O.A.No.3/2008 has ordered to refund the rental amount and to raise the attached property.



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6. I further submit that the petitioner produced totally 83 numbers of vouchers. Based on that vouchers, the amount was arrived as Rs.1,24,500/- and the said amount of Rs.1,24,500/- has been repaid to the petitioner vide Cheque No.385912, dated 13.03.2020. In the meanwhile we have also requested for the bank statements from the year 2002 to till date from State Bank of India, SME branch, Nagercoil. As soon as the above bank statements are received from the bank we verify all the particulars and disburse the remaining amount if any to the petitioner.

7. Further, I submit that the Secretary to Government, Home (Court-IIA) Department, Chennai has been addressed to raise the attachment made in the G.O.No.352 Home (Courts-IIA) Department 24.04.2002 vide Collector, Kanniyakumari Lr.No.C4/S.R.NO.7/2010 dated 14.02.2014 and is awaited for orders."

3. It is informed that the order of attachment against the property has been raised on 11.04.2019 by the Special Court under the TNPID Act, Madurai, in I.A.No.33 of 2018 in O.A.No.3 of 2008.

4. In view of the above Status Report of the second respondent, I direct the second respondent to disburse the excess rental amount collected from the petitioner's father. This exercise may be carried out by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.



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5. Accordingly, this Writ Petition is disposed of. No costs.

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Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

14.06.2024

To

- 1.The Secretary,
Home Secretary (Court IIA) Department,
Secretariat, Chennai – 600 009.
- 2.The District Revenue Officer,
Kanyakumari District,
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C.SARAVANAN, J.

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