



W.P No.8334 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P No.8334 of 2010

and

M.P No.1 of 2010

H.Sultan

...Petitioner

Vs

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government
Home (Court-IIA) Department
Ft. St.George, Chennai-9.
- 2.The Inspector of Police,
Economic Offences-Wing II
Coimbatore.
3. The Special Judge under TANPID Act
Coimbatore.
- 4.Shri Sujies Benefit Funds Ltd
(Unit of S.B Towers-HUF)
262, Pollachi Main Road
Sundarapuram, Coimbatore-24.
- 5.S.Bhupathy
- 6.G.Poongothai
- 7.S.Palaniappan
- 8.M.Suseela
- 9.P.Velmurugan
- 10.R.Radhakrishnan
- 11.D.Marudhachalam



W.P No.8334 of 2010

12.B.Kaleswari

...Respondents

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Declaration, declaring that the order dated 27.11.2009 passed by the 3rd respondent for attachment of the petitioner's property under Ex.P 100 to 104 in O.A.14/2009 in C.C.53/2008 and the consequential attachment dated 01.03.2010 by the respondent is illegal, unconstitutional, non-est in law in so far as the petitioner's property is concerned.

For Petitioner	:	Mr.Palani Selvaraj
For R1 & R2	:	Mrs.S.Anitha Special Government Pleader
For R4 & R5	:	Mr.Guruprasad
For R3, R6 & R8	:	No Appearance
For R7, R9 & R10	:	Not ready in notice

ORDER

This writ petition has been filed, to issue a Writ of Declaration, declaring that the order dated 27.11.2009 passed by the 3rd respondent for attachment of the petitioner's property under Ex.P 100 to 104 in O.A.14/2009 in C.C.53/2008 and the consequential attachment dated 01.03.2010 by the respondent is illegal, unconstitutional, non-est in law in so far as the petitioner's property is concerned.

2. The case of the petitioner is that the petitioner is a business man and he



W.P No.8334 of 2010

availed a loan of Rs.5,00,000/- from the 4th respondent financial establishment by pledging the title deeds of the petitioner's property on 22.11.1996 which shall be repaid in 10 equated monthly instalments at Rs.50,000/- per month commencing from December 1996. However, in the meanwhile, the 4th respondent financial establishment had committed default for not paying the amount to the depositors. The Law Enforcing Agency initiated the proceedings under TANPID Act as against the 4th respondent and its partners and attached various properties owned by the 4th respondent and its partners under Section 3 of TANPID Act. In the meanwhile, the 4th respondent financial establishment and 5th respondent along with other claiming to be share holders, the respondents 6 to 12 herein, have filed an application under Section 3 of the TANPID Act in O.A No.14 of 2009 in C.C No.53 of 2008 on the file of the Special Court under TANPID Act, Coimbatore, the 3rd respondent herein, as against the petitioner and other persons who have borrowed money from the 4th respondent financial establishment, praying for attachment of the properties of borrowers including the petitioner's property and to bring such properties for sale and the said application was allowed. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that though the



W.P No.8334 of 2010

petitioner had paid a sum of Rs.3,50,000/-, out of Rs.5,00,000/- upto 22.06.1997, he also made a request to the 4th respondent financial establishment to adjust the chit amount and subsequently, he has paid to the tune of Rs.1,20,000/- and after deducting Rs.1,20,000/-, the balance amount of Rs.30,000/- was also paid on 08.05.1998. Hence, the order of attachment passed by the TANPID Court under Section 3 of TANPID Act, is not certainable. Apart from that, the TANPID Court has no jurisdiction to entertain the application filed by the 4th respondent financial establishment as against the borrowers and the application can be entertained only on behalf of the depositors and not from the 4th respondent financial establishment. On the sole ground, the present writ petition is filed.

4. The learned counsel for the petitioner would further submit that during the pendency of the writ petition, the entire amount payable to the depositors were settled in C.C No.53 of 2008 by the 4th respondent financial establishment. Now, the issue arises for consideration is only for releasing the documents which were pledged by the petitioner with the 4th respondent financial establishment. In view of the above, this Court may permit the petitioner to produce necessary documents before the TANPID Court by way of filing a fresh application with regard to the payment made by the petitioner to



W.P No.8334 of 2010

the 4th respondent establishment. Upon such satisfaction, this Court may issue a direction to the 4th respondent to release the documents in favour of the petitioner.

5. In response, the learned counsel for the respondents 4 & 5 has no serious objection.

6. In view of the above, without interfering with the order impugned and without expressing any opinion on the merits of the case, this Court is inclined to grant liberty to the petitioner to approach the Special Court under TANPID Act, Coimbatore in O.A.No.14 of 2009 in C.C No.53 of 2008 by producing necessary proof with regard to the payments made to the 4th respondent financial establishment and the Special Court under TANPID Act, Coimbatore shall heard the petitioner and the 4th respondent financial establishment and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. Further, liberty is granted to the 4th respondent financial establishment to canvas all those points before the trial Court in the application filed by him.

M.DHANDAPANI, J.



W.P No.8334 of 2010

uma

7. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

06.10.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
uma

To

- 1 The Secretary to Government
Home (Court-IIA) Department
Ft. St.George, Chennai-9.
- 2.The Inspector of Police,
Economic Offences-Wing II
Coimbatore.
3. The Special Judge under TANPID Act
Coimbatore.

W.P No.8334 of 2010
& M.P No.1 of 2010