



WEB COPY



W.P.No. 13079 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13079 of 2025 and
W.M.P.No.14599 of 2025

Joshua John

... Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its Principal Secretary,
Home Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Director General of Police (IG),
Tamil Nadu Police,
Mylapore, Chennai 600 004.

3.The Inspector General of Police (IF),
Economic Offences Wing, No.2, Natesan Salai, PTC
Ashok Nagar, Chennai 600 083.

4.The Additional Superintendent of Police (ADSP)
(Spl officer to handle cases of HIJAU ASSOCIATE PVT.LTD.,)
Economic Offences Wing, No.2, Natesan Salai, PTC
Ashok Nagar, Chennai 600 083.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus



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calling for the records on the file of the fourth respondent in No.C.No./91/ADSP/EOW/2023, dated 30.05.2023 quash the same as it is illegal, arbitrary and unsustainable in law, and consequently direct the fourth respondent to return all original scheduled property's title deeds and documents vide Nos.2318/1992, 813/2020, 3468/2021, 3998/2022, three copies of original pattas and original sketch of the petitioner's scheduled property.

For Petitioner : Mr.A.T.John Victor

For Respondents : Mr.R.Vinothraja,
Government Advocate (crl.side)

ORDER

This Writ Petition has been filed challenging the proceedings of the fourth respondent in No.C.No/91/ADSP/EOW/2023, dated 30.05.2023. The petitioner also seeks a consequential direction to the fourth respondent to return all the original title deeds and documents pertaining to the scheduled property, specifically those registered under Document Nos. 2318/1992, 813/2020, 3468/2021, and 3998/2022, along with three copies of the original pattas and the original sketch of the scheduled property.

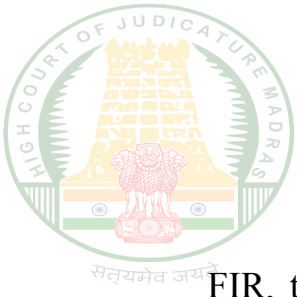


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2. The learned counsel for the petitioner submitted that the petitioner is a *bona fide* purchaser of the property situated at Plot No.1, Kandigai Street, Korattur, Chennai 600 076 (New Survey No.571/2B2C2A1), by way of a registered sale deed dated 09.06.2021, vide Document No.3468 of 2021. It is further submitted that the petitioner has been residing in Australia since 2020, and hence, he was unable to challenge the impugned notice within a reasonable time.

3. On instructions, the learned Government Advocate (Criminal Side) submitted that the subject property was purchased from an accused person. Though the petitioner is not himself an accused in the criminal case, the property in question is alleged to be *mala fide*, having been purchased as part of a transaction emanating from a criminal procedure. An FIR has been registered in Crime No. 21 of 2022 on the file of the Economic Offences Wing under the Tamil Nadu Protection of Interests of Depositors (TNPID) Act, 1997 and the Banning of Unregulated Deposit Schemes (BUDS) Act, 2019. Pursuant to the registration of the



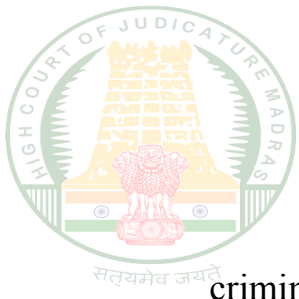
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FIR, the petitioner was served with a notice to furnish all the relevant documents concerning the property. The entire set of documents has since been obtained, and a proposal has been forwarded to the Government for attachment of the said property. Therefore, it is contended that the impugned notice has now become infructuous. If the petitioner has any grievance over the proposed attachment of the property, he must seek appropriate relief before the competent Civil Court in accordance with the provisions of the Tamil Nadu Protection of Interests of Depositors (TNPID) Act.

4. Heard both sides and perused the materials available on record.

5. On perusal of the records, it is evident that the impugned property has been involved in proceedings arising out of a case registered under the TNPID Act. Though the petitioner claims to be a *bona fide* purchaser and not an accused, the nature of the transaction and the source of title require examination under the framework of the said Act. The proceedings initiated by the fourth respondent are in pursuance of a



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criminal investigation, and the proposal for attachment has already been sent to the Government. Therefore, the relief sought in this writ petition cannot be granted at this stage.

6. In view of the above, this Writ Petition stands dismissed. However, it is made clear that this order shall not preclude the petitioner from approaching the competent Civil Court or the Special Court under the TNPID Act for appropriate relief in accordance with law, if so advised. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

09.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk



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G.K.ILANTHIRAIYAN, J.

shk

To

1. Special Court under the TNPID Act, Chennai.

2. The Secretariat, Fort St. George,
Chennai 600 009.

3. The Director General of Police (IG),
Tamil Nadu Police,
Mylapore, Chennai 600 004.

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Ashok Nagar, Chennai 600 083.

6. The Public Prosecutor,
High Court, Madras.

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