



W.P.No.7674 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7674 of 2024

and

WMP.No.8585 of 2024

1.Rajkumar

2.R. Jothi

... Petitioners

Versus

1.The Competent Authority &
District Revenue Officer,
Cuddalore – 607 001.

2.The Sub-Registrar,
Kurinjpadi, Kurinjpadi Taluk,
Cuddalore District.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to raise the attachment made in respect of property bearing S.No.59/5 = Old S.No.61-A-1B1 to an extent of 1700 sq.ft with the building thereon bearing Door No.1/2, Easwaran Koil Street, Kurinjpadi, Kurinjpadi Taluk, Cuddalore District, through appropriate proceedings/GO and consequently intimate the same to the 2nd respondent.

For Petitioners : Ms. J. Puja, for Mr. D. Baskar
For Respondents : Mr. R. Vinothraja,
Government Advocate (Criminal Side)

ORDER



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This Writ Petition has been filed seeking a direction to the first respondent to raise the attachment made in respect of the property belonging to the second petitioner through appropriate proceedings or a Government Order and to intimate to the second respondent.

2. The case of the petitioners is that the first petitioner and one Kalidasan ran a Savings Scheme in the name of Tvl. Shruti Auto Saving Scheme at Vadalur, in Cuddalore District. Due to the failure of repayment to the depositors in time, a case in Crime No.02 of 2003 was registered against the petitioners and two other accused by the Inspector of Police, EOW Wing-II, Cuddalore, for the offence under Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments), (TNPID) Act, 1997.

2.1 Based on numerous complaints, the State Government passed a G.O.Ms.No.90, Home (Courts-IIA) Department dated 03.02.2005 to effect the interim order of attaching the property belongs to the second petitioner, who is none other than the wife of the first petitioner. Thereafter, the first respondent representing the State/depositors filed an application in O.A.No.8 of 2006 before the Special Judge under TNPID Act cases, Chennai, seeking permission



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to declare the aforesaid G.O as absolute. By order dated 01.10.2012, the learned

Special Judge made the properties absolute.

2.2 After completion of investigation, final report was filed and the same had been taken as cognizance in C.C.No.1 of 2007. After fulfilled trial, the first petitioner was acquitted by the Trial Court since all the depositors were settled by the first petitioner with a sum of Rs.1,46,685/-, which is lying before the Trial Court. Only 10 depositors have failed to collect the deposited amount from the Trial Court, and out of 10 depositors, 8 depositors whereabouts are untraceable, while 2 depositors have died. The amount due to the 10 depositors is only a sum of Rs.92,820/-.

2.3 Despite this, the property belonging to the second petitioner remains under attachment by the first respondent, preventing the second petitioner from dealing with her property. Hence, the petitioners have filed the present petition before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents and



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perused the materials available on record, including the counter affidavit.

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4. Upon perusal of the records, it is evident that the trial ended in acquittal and the first petitioner had already deposited the entire amount due to the depositors with the Trial Court, the attachment of the second petitioner's property no longer serves any purpose. Therefore, this Court is inclined to raise the attachment.

5. Accordingly, the order of attachment of the property is hereby ordered to be raised and the second petitioner can very well deal with the property.

6. With the above observation and direction, this Writ Petition is allowed. Consequently, the connected miscellaneous petition is also closed.

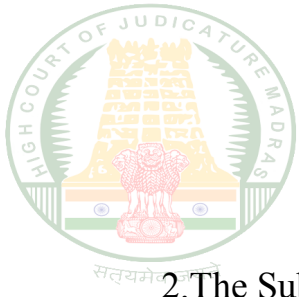
18.03.2025

Internet : Yes / No
Speaking / Non Speaking order
Neutral Case Citation : Yes/No
klt

To

1.The Competent Authority &
District Revenue Officer,
Cuddalore – 607 001.

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2.The Sub-Registrar,
Kurinjipadi, Kurinjipadi Taluk,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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