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W.P.No.36672 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM:

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

W.P.No. 36672 of 2024

G.Sehar

..... Petitioner

Vs

1. The Superintendent of Police,
Economic Offence Wing,
Chennai.

2. The Deputy Superintendent of Police,
Economic Offence Wing-II,
Panjavaram Nagar, Salem -636 016.

3. The Revenue Divisional Officer,
Salem.

4. Sivakumar

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 2 and 3 to vacate the premises and hand over vacant possession of the premises morefully described in the schedule below, to the petitioner and consequently issue directions to the 4th respondent to pay the arrears to the tune of Rs. 6,60,000/- to the petitioner.



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For Petitioner : Mr.C.R.Prasanan
For R1 & R2 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
For R3 : Mr.P.Balathandayutham
Special Government Pleader
For R4 : Not ready in notice

ORDER

This Writ Petition has been filed seeking a direction to the respondents 2 and 3 to vacate and hand over vacant possession of the premises situated at Flat No.B1, Vijay Ambience, Ramani Street 8th Cross, Brindavan Road, Salem District.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the 1 & 2 respondents, the learned Special Government Pleader appearing for the 3rd respondent and perused the materials available on record.

3. The petitioner owned premises situated at Flat No.B1, Vijay Ambience, Ramani Street 8th Cross, Brindavan Road, Salem District. The fourth respondent is an accused in Crime No.15 of 2017,



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registered on the file of the second respondent, for the offence under Section 420 of IPC and Section 4 of Prize Chit and Money Circulation Schemes (Banning) Act, 1978. Pursuant to the registration of the FIR, the fourth respondent was arrested and remanded to judicial custody. Thereafter, the fourth respondent filed a petition under Section 482 of Cr.P.C in CrI.O.P.No.24388 of 2018 before this Court seeking the appointment of a Committee/Administrator for the settlement and disbursement of the claims of the depositors concerned in connection with Crime No.15 of 2017.

4. This Court, by an order dated 18.12.2018, constituted a Committee with a retired District Judge appointed as a Chairman of the Committee to supervise the entire process. The Committee consists of two members, viz, the first and third respondents herein. The fourth respondent was directed to provide the office space in order to enable the committee to perform their work effectively, by providing all basic facilities. Accordingly, the fourth respondent approached the petitioner for rental premises. Though aggrieved by the arrangement, the petitioner



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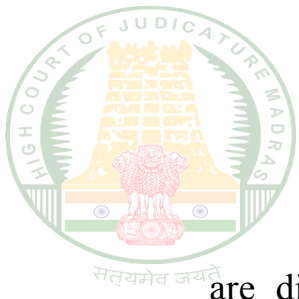
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handed over the vacant possession of the subject premises to facilitate the functioning of the committee constituted under the orders of this Court.

5. While being so, the Chairman of the Committee, viz., the retired District Judge, died. Thereafter, the Committee ceased to function. Further, the petitioner was not paid any rent for the use of the premises. Now, the premises remains locked and is in the custody of the respondents 2 and 3 herein, since the entire records pertaining to Crime No.15 of 2017 are kept therein.

6. The learned Government Advocate (Crl.Side) submitted that after demise of the Chairman of the Committee, no further proceedings have been conducted and the premises continues to remain locked under the custody of the respondents 2 and 3, since the entire case records relating to Crime No.15 of 2017 are kept in the said premises.

7. In view of the above, the second and third respondents



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are directed to hand over vacant possession of the premises to the petitioner, after removing the entire records pertaining to Crime No.15 of 2017, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the respondents 1 to 3 shall not be held liable for any arrears of rent, as the premises were occupied at the request of the fourth respondent for the functioning of the Committee. Therefore, the petitioner is at liberty to approach the appropriate forum to recover any outstanding rent from the fourth respondent.

8. With the above direction, this Writ Petition stands disposed of. No costs.

10.02.2025

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

1. The Superintendent of Police,
Economic Offence Wing,
Chennai.

2. The Deputy Superintendent of Police,

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Economic Offence Wing-II,
Panjavaram Nagar, Salem -636 016.

3. The Revenue Divisional Officer,
Salem.

4. The Public Prosecutor,
High Court of Madras,
Chennai



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