



W.P.Nos.39173, 39177 and 39253 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.39173, 39177 and 39253 of 2024
and W.M.P.No.42431, 42433 and 42518 of 2024

In W.P.No.39173 of 2024:-

A.Saravanan

.. Petitioner

Versus

The Competent Officer,
District Revenue Officer,
Salem District.

.. Respondent

In W.P.No.39177 of 2024:-

Kolandaiyappan

.. Petitioner

Versus

The Competent Officer,
District Revenue Officer,
Salem District.

.. Respondent

In W.P.No.39253 of 2024:-

<https://www.mhc.tn.gov.in/judis>



W.P.Nos.39173, 39177 and 39253 of 2024

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.. Petitioner

Versus

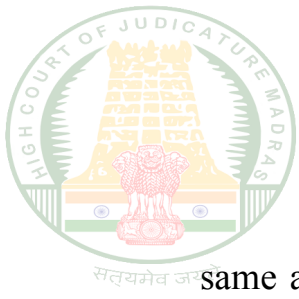
1. The Competent Authority/
District Revenue Officer,
Salem.

2. The Deputy Superintendent of Police,
Economic Offences Wing-II, Salem.

.. Respondents

Prayer in W.P.No.39173 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by respondent in his proceedings in Na.Ka.No.31558/2009/C5, dated 06.12.2024 quash the same as illegal, arbitrary and coupled with bias and consequently directing the respondent not to take any coercive steps till the disposal of the Original Application in O.A.No.14 of 2011 on the file of the learned Special Judge under TNPID Act, Coimbatore district within a time stipulated by this Court.

Prayer in W.P.No.39177 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by respondent in his proceedings in Na.Ka.No.31558/2009/C5, dated 06.12.2024 quash the



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same as illegal, arbitrary and coupled with bias and consequently directing the respondent not to take any coercive steps till the disposal of the Original Application in O.A.No.14 of 2011 on the file of the learned Special Judge under TNPID Act, Coimbatore district and to comply Section 3 of TNPID Act within a time stipulated by this Court.

Prayer in W.P.No.39253 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari by calling for the records of the impugned order passed by the 1st respondent in Na.Ka.31558/2009/C5, dated 06.12.2024 and quash the same as illegal, arbitrary.

In W.P.Nos.39173 and 39177 of 2024:-

For Petitioner : Mr.V.Vargees Amal Raja

For Respondent : Mr.R.Murthi
Government Advocate

In W.P.No.39253 of 2024:-

For Petitioner : Mr.V.M.Venkatramana

For Respondents : Mr.R.Murthi
Government Advocate, for R1



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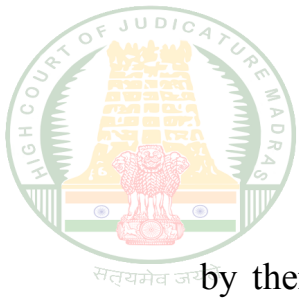
: Mr.V.Meganathan,
Government Advocate (Crl. Side),
for R2

COMMON ORDER

All these three Writ Petitions are connected to each other and as such,
are taken up and disposed of by this common order.

2. The prayer, in these Writ Petitions, is relating to the impugned proceedings passed by the respondent namely, the Competent Authority, District Revenue Officer, Salem district under the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, in and by which, certain properties were brought for auction.

3. The learned Counsel for the petitioners would submit that in these cases, the accused are possessed of several properties. As many as 10 to 11 items were attached. Of the attached properties, those properties, which the accused still having title are left out, but, only the properties which are sold



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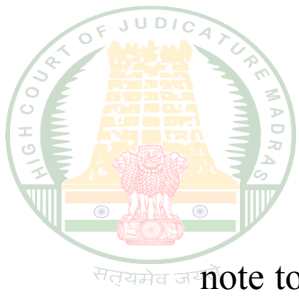
by them even prior to the registering of F.I.R alone, are brought for sale.

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Therefore, when the petitioners are all bonafide purchasers, who purchased the properties even before the registration of F.I.R, bringing their properties alone for auction, is incorrect.

4. He would also further submit that pursuant to the earlier direction of this Court, they already approached the Special Court and the Special Court dismissed their petitions and their appeals are also being filed. In the meanwhile, the respondents are proceeding ahead with the auction and are precipitating the matter. As such, the Writ Petitions are filed.

5. Per *contra*, the learned Government Advocate would submit that initially, the Government passed the interim attachment of all the properties. If any other properties that are left out from attachment, is known to these petitioners, if they are brought to the notice of the Investigating Officer or the competent authority, separate proceedings will be taken out to put up a



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note to the Government and those properties will also be attached. As far as the attached properties are concerned, the original applications are simultaneously filed before the Special Court and in respect of some properties, when the steps are being taken, the accused persons have filed the Civil Miscellaneous Appeals and have got interim orders and the matters are pending at that stage. It is not as if the properties belonging to these petitioners alone, are brought for sale. As far as these petitioners are concerned, when the petitioners earlier approached this Court, they were directed to approach the Special Court. The Special Court dismissed their petitions. They got the remedy of filing an appeal and they have to pursue the said remedy alone and these Writ Petitions are not maintainable.

6. The learned Government Advocate, appearing on behalf of the other respondent, would also reiterate the said submissions. It is also stated that in respect of present auctions, there were no participants and therefore, they have to conduct the fresh auction.



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7. I have considered the rival submissions made on either side and perused the material records of the case.

8. If the petitioners plead that they are bonafide purchasers, they have to establish it before the appropriate Special Court. The petitioners already resorted to the said exercise and the Special Court rejected their prayer. If so, it is open for them to exhaust the remedies available as against that order. It is also submitted by the learned Counsel for the petitioners that already, an appeal is being filed. If so, even if any interim order is necessary, the petitioners have to pray in those proceedings and these Writ Petitions cannot be filed to get relief for the interregnum.

9. Therefore, leaving open the remedies that are available to the petitioners, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.



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Neutral Citation : no
grs

To

1. The Competent Officer,
District Revenue Office,
Salem.
2. The Deputy Superintendent of Police,
Economic Offences Wing-II, Salem.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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