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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.4687 of 2025

Sugumari ... Petitioner

vs.

1. The Government of Tamil Nadu,
   Represented by its Principal Secretary,
   Home (Prohibition and Excise) Department,
   Secretariat, Chennai 600 009.

2. The District Revenue Officer,
   Kanniyakumari District at Nagercoil.

3. The Deputy Superintendent of Police,
   Economic Offence Wing, (EOW-II),
   Nagercoil,
   Kanyakumari District. ...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to defreeze the attachment against the petitioner's property purchased by a registered Sale Deed dated 20-02-2016 registered as Document No.187/2016 at Kunnathukkal Sub Registrar Office, Thiruvanathapuram District to an extent of 5.500 Cents (2 Are 22 Sq.metre) comprised in Resurvey No. 433 Resurvey Subdivision No. 4/1 Old Survey No. 53, Old Survey Subdivision No. 12, in Resurvey Block 39, Kunnathukkal Panchayat, Kunnathukkal Desom, Kunnathukkal Village, Neyyattinkara Taluk, Kunnathukkal Sub District, Thiruvananthapuram District, within the time that may be stipulated by this Court.

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For Petitioner : Mr.S.Sivakumar

For R1and R2 : Mr.S.Shanmugavel
Additional Government Pleader

For R3 : M/s.M.Aasha
Government Advocate (Criminal side)

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to defreeze the attachment against the petitioner's property purchased by a registered sale deed dated 20-02-2016 registered as Document No.187/2016 at Kunnathukkal Sub Registrar Office, Thiruvanathapuram District.

2.The contention of the petitioner is that the FIR was filed against the company in the year 2017. However, she has purchased the property prior to 2017, ie., in the year 2016 itself. Therefore, the petitioner is seeking to de-freeze the attachment of the petitioner's property.

3.This Court is of the considered opinion that the said claim cannot be accepted. Any property which was purchased by the erring financial institution from the date of starting of the said institution will be covered under the Act.

4.In the present case, the financial institution was started in the year

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1995. Therefore, the present sale also will come under the purview of the TNPID Act.

5.The learned Counsel appearing for the third respondent submitted that based on the FIR, G.O.No.137 of 2023, dated 24/03/2023, G.O.Ms.No.220, dated 08/05/2023 and G.O.No.297 of 2024 dated 17/05/2024, were passed. After passing the said 3 government orders, it was found that some 91 Kerala properties belong to the said financial institution and the respondents are taking effective steps to attach the properties under Sections 3 and 8 of the TNPID Act. The original application has been filed for 20 mala fide properties worth about Rs. 1,64,89,750/- as per the guideline value before the TNPID Court, Madurai on 30/01/2024 and awaiting for orders. Further, 59 documents were sent to RDO, Thiruvananthapuram and 47 documents were sent to RDO, Padmanabapuram and they were awaiting for their genuineness certificate. After getting the same, the respondents would initiate action under the TNPID Court for further attachment. The petitioner's property would come under the said mala fide transactions. Therefore, at this point of time, the petitioner cannot seek direction defreeze the attachment.

6.After considering the rival submissions, this Court is of the considered opinion that when the proceedings is under way and the attachment

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process has been initiated against petitioner's property, then the appropriate remedy for the petitioner is to approach the TNPID Court and not by way of writ petition. Further, the issue involves factual matrix which can be ascertained only by the appropriate Court not by the Writ Court. Therefore, the present writ petition is liable to be dismissed.

7.Accordingly, the writ petition is dismissed. No costs. However, liberty is granted to the petitioner to approach the TNPID Court. The TNPID Court shall process the same as per law. The DRO is directed to file an O.A. On numbering the O.A., the particulars and copies may be granted to the petitioner. The petitioner is at liberty to process the same as per law. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

05.08.2025

(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To:

1. The Principal Secretary,
   Home (Prohibition and Excise) Department,
   Secretariat, Chennai 600 009.

2. The District Revenue Officer,
   Kanniyakumari District at Nagercoil.

3. The Deputy Superintendent Of Police,
   Economic Offence Wing, (Eow-II),
   Nagercoil,
   Kanyakumari District.

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S.SRIMATHY, J.

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ORDER MADE IN
W.P(MD)No.4687 of 2025

DATED :05.08.2025
(1/2)

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