



W.P.(MD)No.4708 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2025**

CORAM:

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

W.P.(MD)No.4708 of 2023

Kadiapattinam Rasi Bank
Depositors Association,
Rep by its Secretary,
Leslin,
Reg. No. 61/2017, Kadiapattinam,
Kanyakumari District 629 253.

... Petitioner

/Vs./

1. The State of Tamilnadu
Represented by its Secretary,
Home (Police XIX) Department,
St. George Fort, Chennai 9.
2. The District Collector
Nagercoil, Kanyakumari District.
3. The Superintendent of Police
Economic Offences Wing II, Nagercoil,
Kanyakumari District.
4. The Inspector of Police
Economic Offences Wing II, Nagercoil,
Kanyakumari District.
5. The District Revenue Officer
Nagercoil,
Kanyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to seize and attach the properties through Government Order situated in S.No. 395/2D 658/11E, 658/11D, 491/1, 395/6A1A, 398/6, 461/1A situated in Kadiyapattnam Village, Kanniyakumari District under the provisions of Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) Act 1997 by considering the petitioner's representation dated 10.01.2023.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate for R1,2 &5

: Mrs.M.Aasha

Government Advocate (Crl.side)for R3&4

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 to 5 to seize and attach the properties through Government Order situated in S.Nos. 395/2D 658/11E, 658/11D, 491/1, 395/6A1A, 398/6, 461/1A situated in Kadiyapattnam Village, Kanniyakumari District under the provisions of Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) Act 1997.



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2. Heard the learned counsel on either side and perused the material available on record.

3. The petitioner is the Association of victims in the scheme floated by the accused by depositing amounts from Rs.10,0000/- to Rs.6,00,000/-. However, the victims were not issued amount with interest. On the complaint, the fourth respondent registered F.I.R in Crime No.1 of 2006 for the offence under Sections 409 and 420 I.P.C later, altered into Section 5 of TNPID Act. Though some of the properties of the accused were saved and the same were not attached sofar. Therefore, the petitioner submitted representation before the fourth respondent to take steps to attach the property.

4. The fourth respondent filed a counter affidavit and the learned Government Advocate (Crl.side) submitted that out of seven properties, one property is Government Poromboke land, three properties, which are already deposited before the various several Banker and availed loan by the accused and subsequently, these properties were brought for sale and sold by the Bank under SARFAESI Act. Insofar as the 3rd items of the



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properties are ancestral properties of the accused and thus the same was not attached from the crime proceeds. Therefore, the fifth respondent could not be able to attach these properties. That apart already the fifth respondent attached several properties and sold out in order to save the interest of victims.

5.In view of the above, direction sought for in this writ petition cannot be granted and the writ petition is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs.

31.01.2025

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

TO:-

1. The Secretary,
Home (Police XIX) Department,
St. George Fort,
Chennai 9.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
31.01.2025