

W.P(MD)No.6091 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.6091 of 2025

S.Suhail Ahamed

..Petitioner

Vs

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The District Registrar,
District Registration Office,
Madurai District,
Madurai.
- 3.The District Registrar,
Nagercoil Registration Office,
Kanyakumari District,
Kanyakumari.
- 4.The Inspector of Police,
E1, K.Pudur Law and Order Police Station,
Madurai District.
- 5.The Sub Registrar,
Bothapandi Registrar Office,
Nagercoil,
Kanyakumari District.



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6.The Sub Registrar,
Chanarpatti Registrar Office,
Dindigul District.

7.The Branch Manager,
AXIS Bank,
Medical College Road,
Nagercoil,
Kanyakumari District.

..Respondents

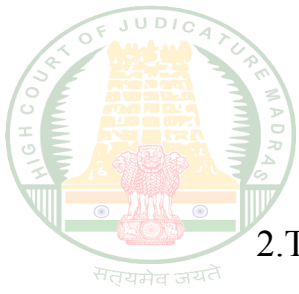
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to defreeze the attachment of the petitioner's property and Bank Account by considering the petitioner's representation dated 21.02.2025 and take necessary action in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Vidhya Sagar
For Respondents : Mr.P.T.Thiraviam
Govt. Advocate (RR2, 3, 5 & 6)

Mr.M.Karunanithi
Govt. Advocate (crl.side)
(for RR1 & 4)

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to defreeze the attachment of the petitioner's property and Bank Account by considering his representation dated 21.02.2025 and take necessary action in accordance with law.

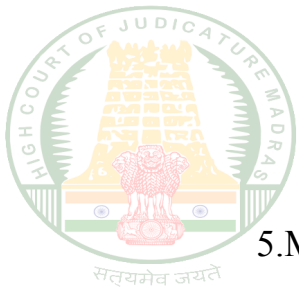


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2.The petitioner was an accused in Crime No.31 of 2022 on the file of the K.Pudur Police Station, Madurai. The allegation was that he and the other accused were in possession of 46 Kg of cannabis. A positive final report was filed by the police and it was taken on file by the Principal Special Court for EC and NDPS Act Cases, Madurai, in C.C.No.53 of 2023. The matter went to trial. The learned Judge found the accusation against the petitioner is untenable. Consequently, he acquitted the accused Nos.2, 4, 5 (writ petitioner), by order dated 21.11.2024. The case against the third accused was split up.

3.The petitioner pleads that soon after the criminal proceedings were initiated, his bank accounts and the properties were attached by the prosecuting agency. Hence, on acquittal, he made representations to initiate necessary action to withdraw the order of seizure of the bank account and attachment of his properties. As the same had not been acted upon, he has come forward with the present writ petition.

4.Heard Mr.S.Vidhya Sagar, for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondents 2, 3, 5, and 6 and Mr.M.Karunanithi, learned Government Advocate for the respondents 1 and 4.



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5.Mr.M.Karunanithi states that the prosecuting agency has not preferred any appeal against the order of the acquittal.

6.The first and fourth respondents do not have the power to attach a property for the mere fact that the property belongs to the accused in a crime. In **R.Madhupriya vs. Inspector General of Registration, 2020 SCC Online 20112**, the Hon'ble Mr.Justice N.Anand Venkatesh held that the police should approach the competent authority or the Court or the Tribunal under the relevant State or Central statute and obtain an order of attachment. He made it very clear that the Registration Department should not act on a letter issued by the police attaching the property.

7.Mr.M.Karunanithi states that no proceedings were initiated in terms of Section 102 of Cr.P.C also.

8.By virtue of the order of acquittal passed by the Special Judge on 21.11.2024, the accusation against the petitioner falls to the ground. If the police do not have the power of attachment, by the mere registration of the FIR, the continuance of the attachment even after the acquittal is illegal and directly offends Articles 14, 19 and 21 of the Constitution of India.



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WEB COPY 9. Hence, the respondents 1 and 4 are directed to intimate the respondents 2, 3 and 5 to 7 that the freezing of the account and attachment of the properties should be lifted.

10. This writ petition is ordered accordingly. No costs.

11. Call the matter on 13.03.2025 for reporting compliance.

06.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

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Madurai.

2. The District Registrar,
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Madurai.

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Kanyakumari District,
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