



W.P(MD)No.9422 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.9422 of 2023

and

W.M.P(MD)Nos.8409 & 8411 of 2023

Divya

... Petitioner

Vs

1. The Principal Secretary to Government,
Home(Police XIX) Department,
Chennai - 600 009.
2. The Competent Authority/District Revenue Officer,
TNPID Act Cases,
Tirunelveli.
3. The Deputy Superintendent of Police,
Economic Offences Wing - II,
Nagercoil,
Kanniyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records on the file of the first respondent relating to the Impugned Government order in G.O.Ms.No.305 Home (Police XIX) Department dated 11.03.2016, with regard to immovable property which is and to quash the same.



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For Petitioner : Mr.Mari Chelliah Prabhu
For R-1 & R-2 : Mr.M.Lingadurai
Special Government Pleader
For R-3 :Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the impugned Government order in G.O.Ms.No.305 Home (Police XIX) Department dated 11.03.2016, with regard to immovable property.

2. The learned Counsel appearing for the third respondent submitted that a petition had already been filed seeking attachment of the movable properties and the same was allowed. However, since the immovable properties could not be attached, the respondent has filed a review application in Review Application No. 38 of 2025. The said petition is filed pending the present writ petition and the next date of hearing is 04.08.2025

3. The learned Counsel appearing for the respondents 1 and 2 also confirmed that impugned G.O. was passed as early as 2016. Therefore, any further proceedings with regard to the issue ought to be agitated before the TNPID Court



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and the extraordinary writ jurisdiction under Article 226 cannot be invoked.

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4. However, the learned Counsel appearing for the petitioner submitted the respondents ought to have made the attachment absolute within a period of 30 days, as per the provisions of the TNPID Act. Since there is a limitation, the respondent cannot make the attachment of the property absolute.

5. After hearing the rival submission, this Court is of the considered opinion that the said limitation was granted only to complete the proceedings within a stipulated time and the same cannot be taken advantage by a person who has purchased the property or by an accused in the TNPID Court. In the present case, the writ petitioner is the relative of Accused No.5. The main object of the TNPID Act and the proceedings before the TNPID Court is to ensure that if any property purchased by the finance company from the amount collected from the general public ought to be returned. Therefore, limitation cannot be agitated. Further, it is submitted limitation issue was already raised before the TNPID Court and the same was declined. Hence, the present writ petition cannot be entertained and is liable to be dismissed. In case, if the petitioner is aggrieved, he is at liberty to approach the TNPID Court and file an appropriate application in accordance with law.



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6. With the above observations, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

01.08.2025

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

jbr

To:

1. The Principal Secretary to Government,
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Chennai - 600 009.
2. The Competent Authority/District Revenue Officer,
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Tirunelveli.
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S.SRIMATHY, J.

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ORDER MADE IN
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