



W.P.(MD)No.19654 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2025**

CORAM:

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

W.P.(MD)No.19654 of 2022

and

W.M.P.(MD)No.14366 & 14367 of 2022

Gnanselvabai

... Petitioner

/Vs./

1. The Principal Secretary to Government,
Home (Police XIX) Department,
Government of Tamilnadu,
Secretariat, Chennai.
2. The Additional Director General of Police,
Economic Offences Wing, Chennai.
3. The Competent Authority,
District Revenue Officer,
Collectorate Campus,
Nagercoil, Kanyakumari District.
4. The Inspector of Police,
Economic Offences Wing,
Crime Branch II,
Nagercoil,
Kanyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned G.O.Ms.No. 303 of 2016 dated 11.03.2016 and quash the same as illegal and restore the listed properties in G.O.Ms.No.383 of 2003 dated 08.05.2003 and direct the 3rd respondent to sell the properties as per G.O.Ms.No.383 of 2003.

For Petitioner : Mr.S.Titus

For Respondents : Mr.D.Gandhiraj (R1 & R3)

Special Government Pleader

Ms.M.Aasha (R2 & R4)

Government Advocate

ORDER

This writ petition has been filed challenging the Government Order in G.O.Ms.No. 303 of 2016 dated 11.03.2016, thereby deleted the two properties which were already mentioned in G.O.Ms.No.383 of 2003 dated 08.05.2003, in pursuant to registration of the criminal case as against the petitioner in Crime No.37/99 on the file of the fourth respondent.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. An FIR has been registered as against the petitioner and others in Crime No.37/99 by the fourth respondent alleging that the petitioner and other accused persons had received the deposit of money from general public and thereafter, failed to return the same. In pursuant to registration of the FIR, the properties of the petitioner were attached by issuance of Government Order in G.O.Ms.No.383 of 2003 dated 08.05.2003, in respect of five items of properties. After attachment, two items of properties were sold out in an auction. However, subsequently, in G.O.Ms.No. 303 of 2016 dated 11.03.2016, two items of the properties as mentioned therein were deleted, which is impugned in this writ petition.

4. The learned counsel appearing for the petitioner would submit that two items of the properties were deleted on the ground that the said properties were sold out in favour of one Beula, in pursuant to the decree passed in OS No. 99 of 1999 dated 12.02.2001 and the same was



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registered before the Sub Registrar, Thiruvallur on 08.03.2002. He pointed out that the suit in OS No.99 of 1999 is completely different and is not related to the subject property. The said Beula had filed a suit in OS No.72/99 on the file of the Sub Court, Padmanabhapuram. If the said properties are attached, the deposit of money will be settled. Without any reasons, the two properties were deleted and not brought the same for auction.

5. On perusal of the status report filed by the fourth respondent, it is seen that the petitioner intended to sell the subject properties in favour of one Beula and on the strength of the crime, she filed a suit in OS No. 72/99 on the file of the Sub Court, Padmanabhapuram for specific performance. Subsequently, the suit was decreed and the sale deed was executed in favour of the said Beula and therefore, those properties were deleted by the subsequent G.O.Ms.No. 303 of 2016 dated 11.03.2016. In order to grab the subject properties from the purchaser namely, Beula, and to realise the costs from the subject properties which were already sold out in favour of Beula, the petitioner challenged the G.O.Ms.No. 303 of 2016 dated 11.03.2016. Though the suit number is wrongly



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mentioned in the GO, it would not prejudice the petitioner at any costs, since the suit was decreed and the sale deed was executed in favour of the said Beula in respect of the subject property.

6. In view of the above, this Court finds no infirmity or illegality in the impugned Government Order and this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.01.2025

Index : Yes / No

NCC : Yes / No

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TO:-

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2. The Additional Director General of Police,
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3. The Competent Authority,
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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.19654 of 2022

Dated:
29.01.2025