



W.P.(MD).No.20466 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.11.2025

PRONOUNCED ON : 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD).No.20466 of 2024

and

W.M.P.(MD).Nos.17361 and 17363 of 2024

Gangadeva

... Petitioner

Vs.

1.The Commissioner/Competent Authority
and Administrator,
SAFEM(FOP)A and NDPSA,
Sastri Bhavan,
New Building Complex, 4th Floor,
No.26, Haddows Road, Nungambakkam,
Chennai.

2.The Inspector of Police,
Allinagaram Police Station,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order passed by the 1st respondent vide his proceedings in F.No.OCA/MDS/02/2023-NDPS dated 22.02.2023, to quash the same.



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For Petitioner : Mr.S.Balaji
For R-1 : Mr.K.Govindarajan
Deputy Solicitor General of India
For R-2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Petition has been filed for a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in F.No.OCA/MDS/02/2023-NDPS dated 22.02.2023 and to quash the same.

2. The facts leading to the filing of the Writ Petition are as follows:

(a) The petitioner was prosecuted for the offence under Section 8(c) r/w 20(b)(ii)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'NDPS Act').

(b) During the course of investigation, the second respondent had passed an ad-interim order of attachment attaching a few movable properties and immovable properties of the petitioner besides freezing his bank account and the bank accounts of his relatives.

(c) The said order of interim attachment was confirmed by the Competent Authority under Section 68F(2) of NDPS Act by the impugned order.



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(d) The petitioner was thereafter tried for the aforesaid offences and was acquitted by the judgment of the Principal Special Court for EC and NDPS Act Cases, Madurai in C.C.No.7 of 2023 on 30th October, 2023.

(e) The State had filed an appeal before this Court in CrI.A.(MD).No.939 of 2024, which also came to be dismissed by judgment dated 17.09.2025.

3. The above facts are not disputed by the respondents. It is the case of the petitioner that since he has been acquitted of all the offences charged against him and there are no other cases pending against him, the order impugned is liable to be set aside.

4. Mr.K.Govindarajan, learned Deputy Solicitor General of India appearing for the first respondent would submit that they are not aware of any judgment of acquittal or any appeal filed by the State; that the petitioner ought to have challenged the impugned order by way of an appeal under Section 68-O of the NDPS Act. The first respondent has also filed a counter affidavit to that effect.

5. The learned Additional Public Prosecutor appearing for the second respondent though would submit that the petitioner was acquitted of all the



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offences charged and that the appeal filed by the State also came to be dismissed, would state that the petitioner has to approach the Competent Authority or file an appeal as there is no infirmity in the impugned order.

6. As stated above, the petition impugns the order of the Competent Authority passed under Section 68F(2) of NDPS Act, which confirms the attachment order passed by the second respondent. The petitioner during the pendency of the proceedings had not challenged the said order. The petitioner is unable to point out any infirmity in the attachment of the properties made by the impugned order. Therefore, the impugned order cannot be set aside.

7. Though the prayer in the Writ Petition is to set aside the impugned order, this Court finds that admittedly, the petitioner has been acquitted by the Trial Court and the said acquittal has been confirmed by the Appellate Court. The petitioner therefore ought to have sought for a release of his properties in terms of Section 68Z of the NDPS Act, which reads as follows:

“68Z. Release of property in certain cases.—(1) Where the detention order of a detenu is set aside or withdrawn, properties seized or frozen under this Chapter shall stand released.

(2) Where any person referred to in clause (a) or clause (b) or clause (cc) of sub-section (2) of section 68A has been



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acquitted or discharged from the charges under this Act or any other corresponding law of any other country and the acquittal was not appealed against or when appealed against, the appeal was disposed of as a consequence of which such property could not be forfeited or warrant of arrest or authorisation of arrest issued against such person has been withdrawn, then, property seized or frozen under this Chapter shall stand released.”

Subsection 2 of the aforesaid provision would make it clear that if the person has been acquitted and the appeal has also been disposed of as a consequence of which the property cannot be forfeited, then the property seized or frozen shall stand released.

8. By the impugned order, two bank accounts of the petitioner and that of his relatives were frozen; three movable properties, namely, a car and two motorbikes; and three immovable properties were attached.

9. In view of the acquittal and in terms of the above provision, the properties that were attached have to be released forthwith. Therefore, this Court moulds the relief sought for and directs the respondents to release all the properties, whose attachment was confirmed by the impugned order. The details of the properties are as follows:



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Details of Movable Properties (Bank accounts)

Sl.No.	Name of Account Holder	Account No.	Bank and Branch details	Balance (Rs)
1	Shri.Gangadeva (PA1)	35807244997	State Bank of India, Lakshmipuram Branch	2,733/-
2	Smt.Kavitha (PA4) (Sister of Accused A1)	38286386291	State Bank of India, Nilakottai Branch	35,537/-

Details of Movable Properties (Vehicles)

Sl.No.	Name of the property holder	Description of properties	Date of Registration	Particulars of Registration	Purchase value of vehicle
1	Shri.Gangadeva (PA1)	Mahendra Bolero Car	20.07.2017	TN 60 T 3054	4,89,250/-
2.	Shri.Gangadeva (PA1)	TVS XL 100 Motor Cycle	14.05.2019	TN 60 AE 4395	38,569/-
3.	Shri.Gangadeva (PA1)	TV Jupiter Motor bike	24.10.2016	TN 60 AB 0507	54,718/-

Details of Immovable Properties:

Sl. No.	Person affected	Name of owner of property	Property Details	Address of the property	Measurement of Area
1	PA2	Smt. Pandiammal (Mother of A1)	S.No.398/4B, Patta No.7865	House site with constructed house at E.Ve.Ra. Periyar Street, Kailasapatti, Periyakulam, Theni District.	11.44 Cents (Constructed house worth Rs. 34,24,229/-)
2	PA3 and PA5	Shri Rathinam @ Veerabommaian & Property is mortgaged to Vennila	Survey No. 1461/1A, 351/2, 398/5A2, Patta No.1301, 1367	Punjai land located at E.Ve.Ra. Periyar Street, Kailasapatti, Periyakulam, Theni District	11.66 Cents (1/3 rd Share of the above property which measures 35 cents)



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3	PA6	Late Thirumoolammal (Grandmother of A2 Prabakaran)	Natham Survey No.3252/22, Kailasapatti Village, Periyakulam Taluk, Theni District	A concrete house constructed in 2019, Location : Door No.49, Koormayakovil Street, Kailasapatti, Periyakulam Taluk	409 Square feet (Constructed house worth Rs. 4,52,085/-)
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10. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.12.2025

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

Lm/ars



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SAFEM(FOP)A and NDPSA,
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2. The Inspector of Police,
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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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