

W.P.(MD).No.27191 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD).No.27191 of 2024

and

W.M.P.(MD).Nos.23047 and 23048 of 2024

A.Vahitha Begum

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Economic Offences Wing,
Kajamalai Road,
Mannaarpuram,
Trichy District.

2.The Joint Sub Registrar No.1,
Joint Sub Registrar Officer,
Integrated Registrar Office Premise,
Pillaiyarpatti,
Thanjavur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of the 1st respondent in C.No.256-288/DSP/EOW/TRICHY/2023 dated 12.04.2023 and quash the same insofar as the petitioner's property is concerned (Power Deed No.4010/2016) as Serial No.2 of the Impugned Order.



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For Petitioner : Mr.A.Arun Ramnath
for Mr.I.Robert Chandra Kumar

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The petitioner has sought for a Writ of Certiorari to quash the impugned communication of the first respondent dated 12.04.2023.

2. The first respondent, by the impugned communication, had directed the second respondent not to entertain registration of any document pertaining to the petitioner's property and other properties as their properties were involved in Crime No.78 of 2021 registered for the offences under Section 406 and 420 IPC @ 406, 420, 120(b) IPC, Section 5 of TNPID Act and Section 3, 5, 21(1)(2)(3), 23 and 25 of BUDS Act, 2019.

3. The learned counsel for the petitioner would submit that the first respondent has no power to send such a communication; that even if the property of the petitioner is required to be attached under the provisions of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 (hereinafter referred to as 'TNPID Act'), the respondents have to approach the Government to attach the properties under Section 3 of the TNPID

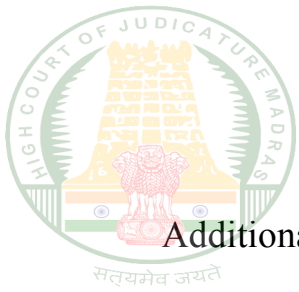


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Act; that the power of the first respondent is also not in exercise of Section 102 of Cr.P.C; and that in similar circumstances, this Court, in the case of ***M.Basheer Ahamed Vs. The Deputy Superintendent of Police, Economic Offences Wing, Trichy District and others*** in *W.P.(MD).Nos.24433, 24750, 24751 and 24752 of 2023*, by order dated **10.11.2023**, had quashed such communications and sought for similar relief.

4. The learned Additional Public Prosecutor, per contra, submitted that these properties were purchased out of the deposits collected and have to be attached for securing the interest of 6608 innocent depositors, who had lost money to the tune of Rs.423 Crores; that in respect of certain properties, a Government Order has been issued by the Government under Section 3 of the TNPID Act; that steps have been taken by the first respondent to approach the Court under Section 8 of the TNPID Act since the petitioner is a mala fide transferee. He further submitted that the power to issue the impugned communication is traceable to Rule 6 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Rules, 1997.

5. The right to deal with one's property cannot be deprived save by the authority of law. Rule 6 of the TNPID Rules, 1997 relied upon by the learned



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Additional Public Prosecutor reads as follows:

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(1) ***

(2) ***

(3) *Any Officer in charge of police station when required by the Competent Authority, shall take all steps, including inquiry, investigation or survey in respect of any person, place, property, documents, books of account, etc., for the purpose of tracing and identifying the properties.*

(4) *The Competent Authority shall maintain a record of all income received and expenditure incurred of the property received, managed, and disposed and furnish the same to the Special Court.”*

6. In fact, Sub-rule (1) and (2) of Rule 6 had been omitted by an amendment in the year 2000, which reads as follows:

“The following sub-rules (1) and (2) of rule 6 were omitted by GO. Ms. No. 1362, Home (Courts II-A), dated the 18th December, 2000.

(1) Where the Competent Authority is satisfied or has reason to believe that any property which is liable to be attached under the Act is likely to be concealed, transferred or dealt with in any manner which will result in defeating the purpose of the Act, may make an order seizing such property or where it is not practicable



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to seize such property, make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the Special Court.

(2) The Competent Authority may take the assistance of any Subordinate Officer of the Government to take possession of the property in respect of which an order of seizure or freezing has been made under sub-rule (1).”

Sub-rule (1) and (2) permitted the competent authority to seize properties to protect the interest of the depositors. The very fact that those two rules have been omitted is enough to show that the competent authority or the Investigating Officer, first respondent lack jurisdiction to issue such communications.

7. Be that as it may. The impugned communication has not been issued even in terms of Section 102 Cr.P.C. The impugned communication is dated 12.04.2023. There cannot be any doubt that under the scheme of the TNPID Act, the interest of the depositors should be the paramount consideration. However, so far, no steps have been taken by the respondents either to seek attachment under Section 3 of the TNPID Act or to file a petition under Section 8 of the TNPID Act before the Court concerned.



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8. This Court in similar circumstances in the case of ***M.Basheer Ahamed Vs. The Deputy Superintendent of Police, Economic Offences Wing, Trichy District and others*** in ***W.P.(MD).Nos.24433, 24750, 24751 and 24752 of 2023***, by order dated ***10.11.2023***, had quashed the communications similar to the one impugned in this case by holding that no such power vests with the respondent to issue communication to the Registrar to prevent registering of properties. Therefore, this Court is of the view that the impugned communication is clearly without jurisdiction and liable to be quashed. Accordingly, the impugned communication dated 12.04.2023 is quashed. However, it is made clear that the order passed by this Court would not prevent the respondents from proceeding against the properties by following the procedure prescribed under law.

9. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.09.2025

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

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2. The Joint Sub Registrar No.1,
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Integrated Registrar Office Premise,
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Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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