



WP CRL.(MD). No.1834 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

WP CRL.(MD). No.1834 of 2025

and

W.M.P Crl.(MD) No.433 of 2025

Highcourt Maharaja

... Petitioner

Vs

1.The Principal Secretary to Government,
Government of Tamilnadu,
Home (Police XIX) Department,
Fort St.George,
Chennai-09.

2.The State of Tamilnadu,
Rep by the Inspector of Police,
Economic Offences Wing-II,
Virudhunagar District.

3.The District Collector,,
Office of the Collectorate, Virudhunagar District.

4.The Competent Authority and
District Revenue Officer, Virudhunagar District.

5.The Joint Sub Registrar No.II,
Virudhunagar Registration Office,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of



WP CRL.(MD). No.1834 of 2025

India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned attachment order passed by the first respondent in G.O.Ms.No.857 dated 14.12.2011 and quash the same as illegal and consequently direct the respondents 4 and 5 to delete and make necessary entries in the registration records including the encumbrance certificate by removing the entry of attachment made on the basis of G.O.Ms.No.857, issued by the Home (Police XIX) Department dated 14.12.2011 with respect to the Sourther portion of Plot No.251/1A of Chinnamoopanpatti Village, Virudhunagar Taluk & District.

For Petitioner : Mr.V.Sasi Kumar,
Advocate.

For R1 and R2 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For R3 to R5 : Mr.D.S.Nedunchezian
Government Advocate (Civil)

ORDER

The petitioner seeks to quash the attachment order passed by the first respondent in in G.O.Ms.No.857, dated 14.12.2011 and consequently, to direct the respondents 4 and 5 to delete the entries in the registration records.



WP CRL.(MD). No.1834 of 2025

2.The petitioner claims to have purchased the property in Plot No.D-24, Thirumala Nagar, measuring an extent of 2,320 square feet, situated in Survey No.251/1A of Chinnamoopanpatti Village, Virudhunagar Taluk on 12.07.2011 from one C.Maheshwari. It appears that a case was registered against a financial establishment in Crime No. 01 of 2008 on the file of the second respondent herein. Since the Government was of the view that the property purchased by the petitioner has to be attached, the impugned G.O.Ms.No.857, dated 14.12.2011, was issued.

3.The learned counsel for the petitioner would submit that the attachment was made absolute by the Special Court in O.A.No.3 of 2013; that the property was not thereafter brought for auction; that the accused in Crime No.01 of 2008 were subsequently tried in C.C.No 26 of 2013 on the file of Special Court under the TNPID Act, Madurai and that all the depositors were settled by the accused and therefore all of them were acquitted by the judgment dated 10.12.2018. He would therefore submit that the impugned Government Order has to be set aside insofar as the petitioner's property is concerned and consequently, the registration



WP CRL.(MD). No.1834 of 2025

authorities must be directed to remove the entry relating to the attachment.

4.The learned Additional Public Prosecutor and the learned Government Advocate appearing for the respondents would submit that the accused have been acquitted as they had settled all the depositors; that the attachment therefore can be lifted and that the petitioner may file a proper application before the Special Court under the TNPID Act, Madurai.

5.Admittedly, the accused in the case, during the pendency of which the impugned attachment was made, have all been acquitted, as the depositors have been settled. The State has not preferred an appeal, since they are not aggrieved by the said judgment. The question is whether the attachment can be allowed to continue inspite of the conclusion of the criminal proceedings. It is the case of the prosecution that the proper remedy for the petitioner would be to approach the TNPID Court to lift the attachment, considering the change in circumstances. However, in similar circumstances, this Court vide order dated 21.04.2023 in



WP CRL.(MD). No.1834 of 2025

WP(MD) No.9286 of 2023, has quashed the Government Order impugned therein [G.O.Ms.No.843 Home (Police XIX) Department dated 12.12.2011] by recording the acquittal in the criminal case and held that once the accused are acquitted, it is only appropriate that the Government Order for attachment is set aside.

6.In light of the admitted facts, this Court is of the view that there is no purpose in asking the petitioner to approach the TNPID Court for the lifting of the attachment, as the Government Order itself has lost its efficacy. Hence, the impugned Government Order, insofar as it attaches the petitioner's property, is quashed. The Registration Authorities are directed to remove the entry of attachment made in the Encumbrance Certificate. The respondent police shall also duly communicate the order passed by this Court to the Registration Authorities.

7.With the above observations, this Writ Petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

07.11.2025



WP CRL.(MD). No.1834 of 2025

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

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- 2.The Inspector of Police,
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- 3.The District Collector,,
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