

W.P(MD)No.28745 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.28745 of 2024

T.Pappa

... Petitioner

Vs.

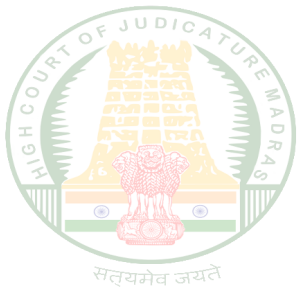
1.The Principal Secretary to Government,
Department of Home (Police XIX),
Fort St.George,
Chennai.

2.The District Collector,
Karur District,
Karur.

3.The Competent Authority cum
District Revenue Office,
Karur District, Karur.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from auctioning the property located in S.F.No.15/C, 15/C1 and 16/2 to an extent of 3108 sq. ft registered located at Mookanakurichi Village, Karur Taluk and Karur District under the Tamil Nadu Protection of Interests of Depositors Act (TNPID Act) of 1997 considering and for reason that the petitioner is already acquitted and discharged in the criminal case registered under the TNPID Act.



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For Petitioner

: Mr.N.Shanmuga Selvam

For Respondent

: Mr.M.Lingadurai

Special Government Pleader

ORDER

The present writ petition is filed for issuance of Writ of Mandamus forbearing the respondent from alienating the petitioner's property situated in S.F.No15/C, 15/C1 and 16/2 under TNPID Act.

2. The brief facts of the case are that when the persons including the petitioner were arrayed as accused in C.C.Nos.72,73,74, 75 and 103, they had filed discharge applications before the TNPID Court and the petitioners were discharged in all the CC numbers. Therefore, the writ petitioner sought to delete the petitioner's property from the G.O where it was attached. Since the same was not considered, the petitioner filed W.P(MD)No.5796 of 2024. This Court has also allowed the writ petition wherein it is held as under:

“2.The petitioner has filed this writ petition seeking declaratory relief. The learned counsel for the petitioner now states that this Court can mould the prayer. According to him, the



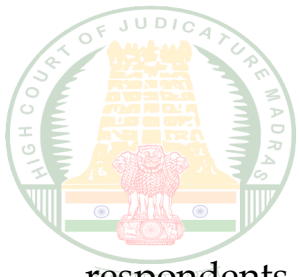
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attachment Government Order was issued in view of the petitioner's involvement in a case arising from TNPID Act. The specific stand of the petitioner is that all the criminal proceedings have been ended long back. As on date, there is no justification in continuing the attachment. The petitioner has given a representation in this regard on 11.12.2023 to the first respondent. The first respondent is directed to consider the same. If the case of the petitioner is found to be true, a Government Order shall be issued cancelling the petition mentioned Government Order. If the petitioner's case turns out to be incorrect, the impugned Government Order can very well stand. The decision on merits and in accordance with law will be taken by the first respondent within a period of five months from the date of receipt of a copy of this order."

3. Instead of considering the petitioner's claim as per the said order, the respondents further proceedings to sell the petitioner's property under TNPID Act. Hence, the present writ petition has been filed.

4. The petitioner further relied on the G.O.Ms.No.319 Home (Police XIX) Department dated 20.04.2009 wherein one Padmavathy Ammal has sought to delete her property from attachment. The same was considered by the respondent and the



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respondents passed the said G.O.Ms.No.319 dated 20.04.2009. Hence the petitioner
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seeks to pass the similar order.

5. The learned Special Government Pleader appearing for the respondents stated that the petitioner's application could not be considered since the depositors interest ought to be protected. In the counter it is stated that the case in O.A.No.15 of 2012, the trial Court vide order dated 15.04.2013 directed to freeze and take possession of the properties and also ordered to auction the properties and also stated that the petitioner is acquitted and the properties be confiscated to enable to refund the amount due to the Depositors as per their deposited amounts. The properties has to be freezed and possession be taken and they have to be auctioned by the competent authority and District Revenue Office, Karur District. The TNPID Court in O.S.No.15 of 2012 ordered to auction the property one by one. Hence, there is no need to release the property. The Court had already imposed fine of Rs.44,40,000/- vide order on 01.03.2023. The penalty amount is not yet paid by the petitioners. It is necessary to auction the properties and collect the amount and it should be paid to 111 depositors and hence the property freezed and auctioned and the amount should be given to the depositors.



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6. After hearing the rival submissions, this Court is of the considered opinion when the respondent has already considered in a similar case and passed the G.O.Ms.No.319, then the petitioner also to be considered for such relief. Further, the petitioner had already been discharged from the above CC numbers. Instead of filing of contempt petition, the petitioner had preferred this writ petition. Therefore, this Court is directing the first respondent to pass appropriate orders within a period of two weeks from today and place it before this Court on the next hearing.

7. Post the matter on 26.08.2025.

sd/-
06/08/2025

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07/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

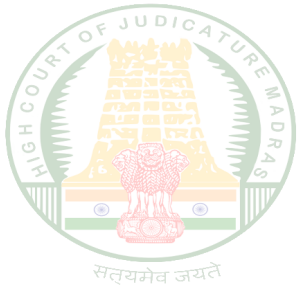
pjl

To

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

2.The District Collector,
Karur District, Karur.

5/6



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3.The Competent Authority cum
District Revenue Office,
Karur District, Karur.

ORDER
IN
WP(MD) No.28745 of 2024
Date :06/08/2025

SBN/07.08.2025 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023