

OINAM
THOIBA MEITEI **IN THE HIGH COURT OF MANIPUR**
AT IMPHAL

Item No. 7 & 8

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OINAM THOIBA MEITEI
Date: 2025.05.06
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W.P. (C) No. 356 of 2025 with
MC(W.P. (C)) No. 337 of 2025

Mutum Robindro Singh

... Petitioner

- Versus -

Directorate of Enforcement, Imphal Sub Zonal Office

... Respondent

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

06.05.2025

[1] Heard Mr. M. Gunedhor, learned counsel assisted by Ms. L. Ashapriya, learned counsel for the petitioner and Mr. Julius Riamei, learned counsel assisted by Mr. Stephen P, learned counsel for the respondent.

[2] The petitioner approached this Court by way of the present writ petition under article 226 of the Constitution of India challenging the notice dated 24.03.2025 issued by the Deputy Director, Enforcement Directorate, Sub Zonal Office, Imphal.

[3] By the impugned notice, the petitioner has been directed to vacate from homestead land with RCC G+1 building of .0081 Hectare at Revenue Village No. 28 - Thoubal Achouba, Thoubal District, C.S Dag No. 2569/2652, Patta No. 413 (O)/1611/1907 (N).

[4] The learned counsel for the petitioner submits that the homestead land under Dag no. 2569/2652 having an area of .0081 hectare at Revenue Village No. 28 - Thoubal Achouba, Thoubal District is the ancestral property of the petitioner, herein and the same cannot be attached and directed to be vacated under the proceeding of Prevention of Money Laundering Act, 2002 (PMLA).

[5] On the other hand, the learned counsel for the respondent submits that the property in question is mentioned at Sl. no. 18 in the complaint case before the Adjudicating Authority, ECIR No. ECIR/IMSZO/05/2022, dated 18.10.2022 and the petitioner herein is the defendant no. 2.

[6] The learned counsel for the respondent submits that under section 5 of the PMLA, the property in question has been provisionally attached by Deputy Director, Enforcement Directorate, Imphal in Provisional Attachment Order no. 01/2023 dated 17.03.2023. The provisional attachment order was confirmed by Adjudicating Authority under section 8 of the PMLA, vide order dated 25.08.2023.

[7] The learned counsel for the respondent has pointed out that the plea of ancestral property, under attached being ancestral property of the petitioner was raised before the Adjudicating Authority and the same was rejected.

[8] The learned counsel for the petitioner further submits that the impugned notice dated 24.03.2025 is issued, in terms of Section 8(4) of the PMLA and since the confirmation order is not challenged by the petitioner, it attains finality.

[9] It has been pointed out that in such situation the petitioner has to file an appeal before the Appellate Tribunal under section 26 of the PMLA.

[10] At this stage, the learned counsel for the petitioner submits that he may be given liberty to approach the Appellate Tribunal under section 26 of the PMLA, challenging the confirmation order dated 25.08.2023 and till date, he may be protected from eviction in terms of impugned notice dated 24.03.2025; otherwise the appeal will become infructuous.

[11] The learned counsel for the respondent submits that no interim order against eviction is warranted at this stage.

[12] This Court considers the materials on record and provisions of the PML Act.

[13] Provisional Attachment Order passed under section 5 of the PMLA has been confirmed under section 8 and against this order, an appeal lies under section 26 of the Act.

[14] In the circumstances, liberty is granted to the petitioner to approach the Appellate Tribunal as per rule and 15(fifteen) days time is granted to the petitioner from today, to approach the Appellate Tribunal under section 26 of the Act. Till then, the petitioner shall not be evicted from the premise mentioned in the notice.

[15] With these observations, the present W.P. (C) No. 356 of 2025 along with MC(W.P. (C)) No. 337 of 2025 is disposed of.

[16] Furnish a copy of this order to the learned counsel appearing for the parties through Whatsapp.

JUDGE

Thoiba