

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.13281, 13282, 13283, 13284,
15784 and 15785, of 2015
and
M.P.Nos.1 and 2 of 2015

D.Kalaiselvam

.... Petitioner in W.P.No.13281 of 2015

vs

The Deputy Director ,
Office of the Joint Director,
Enforcement Directorate,
Chennai Zonal Office,
II & III Floor, Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.

.... Respondent in W.P.No.13281 of 2015

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the Eviction Notice issued by the respondent in F.No.ECIR No.09 of 2013 dated 26.02.2015 and to quash the same.

S.Elumalai

.... Petitioner in W.P.No.13282 of 2015

vs

The Deputy Director ,
Office of the Joint Director,
Enforcement Directorate,
Chennai Zonal Office,
II & III Floor, Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.

.... Respondent in W.P.No.13282 of 2015

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the Eviction Notice issued by the respondent in F.No.ECIR No.09 of 2013 dated 26.02.2015 and to quash the same.

V.J.Vijayakumar ... Petitioner in W.P.No.13283 of 2015

vs

The Deputy Director ,
Office of the Joint Director,
Enforcement Directorate,
Chennai Zonal Office,
II & III Floor, Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.

... Respondent in W.P.No.13283 of 2015

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the Eviction Notice issued by the respondent in F.No.ECIR No.09 of 2013 dated 26.02.2015 and to quash the same.

K.Prabavathi ...Petitioner in W.P.No.13284/2015

Vs

The Deputy Director
O/o. The Joint Director Enforcement Directorate,
Chennai Zonal Office,
II & III Floor, Murugesu Naicker Complex
No.84 Greaves Road Chennai 6 ...Respondent in W.P.No.13284/2015

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the Eviction Notice issued by the respondent in F.No.ECIR No.09 of 2013 dated 26.2.2015 and quash the same.

1.H.Vijayabaskar
2.Adhamkhan
3.M.Usha
4.R.Jayanthi
5.M.Gajalakshmi

... Petitioners in W.P.No.15784 of 2015

- Vs -

The Deputy Director ,
Office of the Joint Director,
Enforcement Directorate,
Chennai Zonal Office,
II & III Floor, Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.

... Respondent in W.P.No.15784 of 2015

1.D.Senthil
2.D.Radha
3.E.Bhuvana
4.S.Elumalai
5.N.Devaraj
6.M.Haridoss
7.V.J.Sasikala
8.R.Usha
9.N.Hema @ Hemamalini

... Petitioners in W.P.No.15785 of 2015

- Vs -

The Deputy Director ,
Office of the Joint Director,
Enforcement Directorate,
Chennai Zonal Office,
II & III Floor, Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai 600 006.

... Respondent in W.P.No.15785 of 2015

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the Eviction Notice issued by the respondent in F.No.ECIR No.09 of 2013 dated 26.02.2015 and to quash the same.

Petitioner(s) in all : Mr.R.Subramanian
Writ Petitions
For Respondent in all : Mrs.P.Rajalakshmi, GA
Writ Petitions

COMMON ORDER

By consent, the writ petitions themselves are taken up for final disposal.

2. The petitioners would state among other things that the CBI [Anti Corruption Wing], Chennai, has registered a case against all of their family members and relatives including the women folk and also as against some of the officials of the Syndicate Bank in FIR No.RC/MA/2011/A 0046 under Section 120(b) r/w 420, 468 and 471 of IPC and Section 13 (1)(d) and 13(1)(d) of the Prevention of Corruption Act, 1980. The allegation against the petitioners is that the petitioners and some of the bank officials attached to Syndicate Bank, conspired together and in furtherance of the same, they had managed to avail loans to the tune of Rs.3,41,58,063.38 and subsequently the loan amounts were siphoned by them. On completing the investigation, the CBI has filed a final report before the trial court and the same was taken on file in C.C.Nos. 20 to 27 of 2012 by the Special Court for CBI Case (Bank Fraud) and the same is pending

for trial. Subsequently, under the provisions of the Prevention of Money Laundering Act, 2002, a proceeding was initiated against the petitioners by the respondent and an order of provisional order of attachment under Section 5(1) of the said Act came to be passed on 05.09.2014. The petitioners raised their objections to the provisional order of attachment. According to the petitioners, the adjudicating authority without proper application of mind has confirmed the provisional order of attachment by its order dated 07.01.2015 in O.C.No.359 of 2014. Challenging the legality of the same, a statutory appeal has been filed by the petitioners on 22.02.2015 before the appellate authority in terms of Section 26 of the Prevention of Money Laundering Act, 2002 and the same is pending. Now, the grievance of the petitioners is that in terms of provisional order of attachment, a notice under Section 8(4) of the said Act came to be issued to the petitioners wherein it has been indicated that the properties which are the subject matter of attachment will be taken on possession. Challenging the legality of the said notice, the present writ petitions are filed.

3. Heard Mr. Prakash Goklaney, the learned counsel for the petitioners and Mr. M. Dhandapani, the learned standing counsel who accepts notice for the respondent in all writ petitions.

4. I have carefully considered the submissions made on either side.

5. In the light of the above facts and circumstances of the case and without going into the merits of the claim projected by the petitioners, this court is of the view that it would suffice, if the petitioners permitted to file application/s for stay or move application/s for stay pending disposal of the appeal before the appellate authority / tribunal who shall, in turn, consider the same in accordance with law and pass appropriate orders on the same on or before 22.07.2015. It is also open to the appellate authority / tribunal to take up the appeal itself and dispose of it on merits and in accordance with law and subject to the outcome of the stay application in the appeal or the appeal itself, the respondent may take appropriate action in accordance with law. It is also made clear that if the appellate authority insists for filing of separate appeals and applications for stay, the petitioners may do so, in accordance with law.

6. These writ petitions are, accordingly, disposed of. Consequently, connected MPs are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

kmk

To

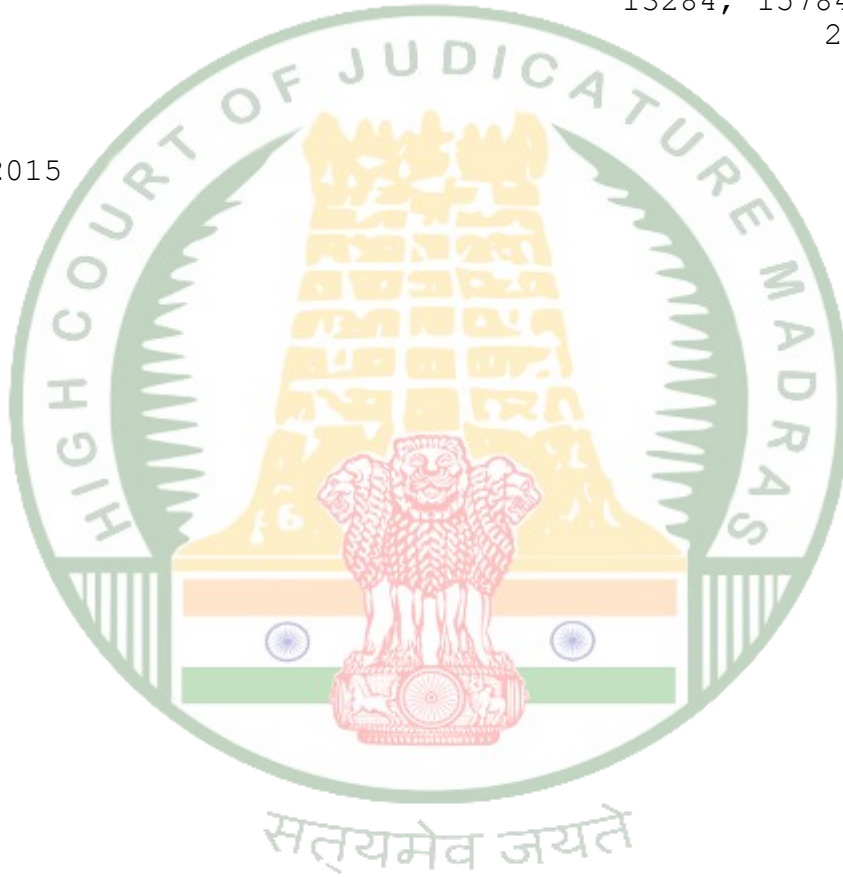
1.The Deputy Director,Office of the Joint Director,Enforcement Directorate, Chennai Zonal Office, II & III Floor, Murugesu Naicker Complex, No.84, Greaves Road,Chennai 600 006.

10 cc to Mr.Prakash Goklaney , Advocate Sr.No.26712, 26711, 26709, 26710, 26708/15

2 cc to Mr.M.Dhandapani , Advocate Sr.No.26652, 26651

W.P.Nos.13281, 13282, 13283,
13284, 15784 and 15785, of
2015

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