

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.25389 of 2014 and
M.P.Nos.1 and 2 of 2014

Haji Ali

.. Petitioner

v.

1.The Chairperson
Prevention of Money Laundering
Union of India
New Delhi.

2.The Deputy Director
Directorate of Enforcement
Prevention of Money Laundering
Government of India
3rd Floor, 3rd Block, Shastri Bhavan
No.26, Haddows Road
Chennai 600 006.

3.The Inspector of Police
City Crime Branch
Coimbatore City.

4.A.Sakila Banu

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus calling for the records relating to the impugned Provisional Attachment Order (PAO) No.2/2010 dated 23.06.2010 passed by the 2nd respondent and the order of Confirmation in O.C.No.56/2010 dated 12.11.2010 passed by the 1st respondent, and quash the same and consequently, direct the respondents to release the petitioner's property and to hear the matter afresh after giving adequate opportunity to the petitioner in O.C.No.56 of 2010 dated 12.11.2010.

For Petitioner

: Mr.Lesi Saravanan

For Respondents

: Mr. M.Dhandapani, CGSC for R1 and R2
Mr.S.Gunasekaran
Govt.Advocate for R3

ORDER

The petitioner prays for a writ of certiorarified mandamus calling for the records relating to the impugned Provisional Attachment Order (PAO) No.2/2010 dated 23.06.2010 passed by the 2nd respondent and the order of Confirmation in O.C.No.56/2010 dated 12.11.2010 passed by the 1st respondent, and quash the same and consequently, direct the respondents to release the petitioner's

property and to hear the matter afresh after giving adequate opportunity to the petitioner in O.C.No.56 of 2010 dated 12.11.2010.

2. It is seen that the Order of Provisional Attachment dated 23.06.2010 under the provisions of Prevention of Money Laundering Act has been confirmed by order dated 12.11.2010. Therefore, the petitioner if aggrieved by the said order, has to file an appeal. The petitioner would state that he is not a party to the order and he has purchased the property on 29.10.2010 and was not aware of the Provisional Attachment Order.

3. The learned counsel for the respondents submitted that any purchase to defeat the implementation of provisions of the Act is void. Furthermore, the purchase effected after Provisional Attachment Order is not a valid purchase and not binding on the authorities. In any event, if the petitioner is aggrieved by the order dated 12.11.2010, he can work out his remedies in the manner as contemplated under the Act. Since the petitioner now claims to have purchased the property after the Order of Provisional Attachment and further since he has not been furnished with the certified copies, he is unable to pursue his remedy under the Act.

4. The learned counsel for the respondents submitted that if the petitioner makes a copy application, the authority would furnish a certified copy of the order and it is open to the petitioner to work out his remedy in the manner known to law.

5. Accordingly, while declining to grant the relief sought for in this petition, liberty is granted to the petitioner to make a copy application before the adjudicating authority to enable him to get a certified copy of the order dated 12.11.2010. If such an application is filed, the adjudicating authority is directed to treat that third party application and furnish a copy of the certified copy of the order to the petitioner so as to enable him to work out his remedy in the manner known to law.

Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

1.The Chairperson
Prevention of Money Laundering
Union of India
New Delhi.

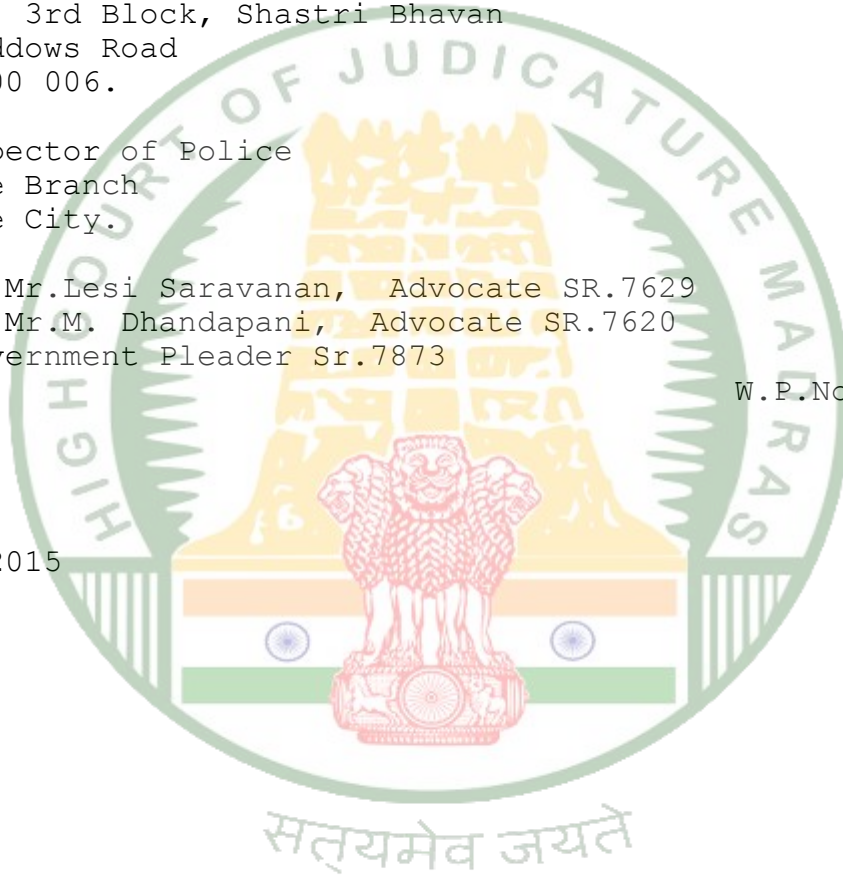
2.The Deputy Director
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Chennai 600 006.

3.The Inspector of Police
City Crime Branch
Coimbatore City.

+ 1 cc to Mr.Lesi Saravanan, Advocate SR.7629
+ 1 cc to Mr.M. Dhandapani, Advocate SR.7620
+ 1 cc Government Pleader Sr.7873

W.P.No.25389 of 2014

LRS (CO)
EU 05.03.2015



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