

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 5029 OF 2015

Rheema Hassan Ali Khan & anr. V/s.	...	Petitioners
Union of India & ors.	...	Respondents

Mr. Nandkishor a/w. F. Barodawala i/b. HSA Advocates for the petitioner.

Mr. Anil Singh, Senior Counsel i/b. Rebecca Gonsalves for respondents 1 and 2.

Mrs. S.D. Shinde, APP for the State.

**CORAM : NARESH H. PATIL AND
A.M. BADAR, JJ.**

2nd April, 2016.

P.C.

The petitioners challenge the communication dated 6th November, 2015 made by the Directorate of Enforcement for taking over possession of the properties attached under the Prevention of Money Laundering Act, 2002. Learned Counsel submits that in respect of movable property i.e. vehicles, the petitioner had approached Appellate Tribunal under Prevention of Money Laundering Act, New Delhi.

2. By an order dated 7th December, 2015 the Tribunal had granted ad-interim relief in favour of the petitioners.

3. Under the present impugned communication the respondents would be taking over possession of one car and two residential premises where family members of the accused are residing. The symbolic possession of this property according to learned Counsel is already taken over by way of attachment by the respondent investigating agency. The petitioners undertake that they would not create any third party interest in this property of whatsoever nature and maintain the property in good condition. Learned Counsel further submits that for the two weeks period the Tribunal at Delhi is not functioning, therefore, breathing time be provided so that the petitioner would resort to appropriate remedy as may be available in law.

4. Learned Senior Counsel Shri Singh submits that petitioners did not prefer to challenge the order passed by the Appellate Tribunal under Prevention Of Money Laundering Act at New Delhi (Exhibit D). The said order has become final. The present communication refers to execution of the substantive order. The petitioners does not deserve any leniency. Learned Counsel submits that though there was some delay in taking over possession of these flats, now the department has finally issued these notices for taking over possession.

5. We have perused the impugned communication dated 6th November, 2015, order passed by this Court on 21st October, 2015 and order dated 27th October, 2015. Also perused the orders passed by Appellate Tribunal, Prevention of Money Laundering Act at New Delhi dated 7th December, 2015 and 1st August, 2013.

6. It was submitted by the learned Senior Counsel Shri Singh during the course of hearing that these communications are not appellable to the Tribunal. We do not express any opinion on the same. However, learned Counsel for the petitioner submits that for a period of two weeks status-quo be granted in respect of the subject residential premises as mentioned in the communication dated 6th November, 2015 so that petitioner may resort to appropriate remedy as permissible in law and as the family members of the accused are residing there which includes women and children.

7. We direct that for a period of two weeks effective from today status-quo as on today be maintained in respect of the possession of the property mentioned in the communication dated 6th November, 2015 issued by the Assistant Director, PMC addressed to Hasan Ali Khan and Mrs. Rheema Hassan Ali Khan.

8. It is clarified that we have not expressed any opinion regarding jurisdiction of any forum for entertaining proceedings initiated by the petitioner in connection with the present subject matter.

9. With aforesaid observations and directions, Petition is disposed of.

(A.M. BADAR, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)