IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

C.M.A.Nos.1561 to 1567 of 2017
and Connected Miscellaneous Petitions

The Deputy Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance,
Department of Revenue,
3rd Floor, C-Block,
Murugesa Naicker Complex,
No.84, Greams Road,
Thousand Lights, Chennai-6... Appellant in all C.M.As.,

versus

Shri.Ramesh Pothy .. Respondent in C.M.A.No.1561/17
Shri.S.Ashok .. Respondent in C.M.A.No.1562/17
Shri.S.Mahesh .. Respondent in C.M.A.No.1563/17

Pothys Pvt. Ltd.,
Represented by Ramesh Pothys
Chennai. .. Respondent in C.M.A.No.1564/17

Shri.S.Murugesh .. Respondent in C.M.A.No.1565/17
Shri.Ashwanth Pothy .. Respondent in C.M.A.No.1566/17
Shri.S.Pothiraj .. Respondent in C.M.A.No.1567/17

Prayer: Civil Miscellaneous Appeals are filed under Section 42 of the Prevention of Money Laundering Act, 2002, against the interim order made in MP-PMLA-3106 to 3112/CHN/2017 (Misc.), in FPA-PMLA-1624 to 1630/CHN/2017, dated 21.02.2017, on the file of the Hon'ble Appellate Tribunal, Prevention of Money Laundering Act, at New Delhi.

For Appellant : Mr.G.Hema
Special Public Prosecutor
Enforement Directorate

For Respondents : Mr.Om Prakash,
Senior Counsel
for M/s.Ramalingam Associates

JUDGMENT

(Judgement of this Court was made by S.MANIKUMAR, J.)

Common order made in MP-PMLA-3106 to 3112/CHN/2017 (Misc.), in FPA-PMLA-1624 to 1630/CHN/2017, dated 21.02.2017, on the file of the Appellate Tribunal, Prevention of Money Laundering Act, at New Delhi, impugned in the instant Civil Miscellaneous Appeals, filed by the Deputy Director, Directorate of Enforcement, Government of India, Ministry of Finance, Department of Revenue, Chennai, appellant herein, is as follows:

> "We have already fixed the final date of hearing. Since the passage between the two properties of the appellant has been used by appellant after purchase of the disputed property thus, during the pendency of the appeal, balance has to be struck between the parties but subject to the conditions. Even otherwise no prejudice is caused to the respondent as it is vacant land and till the decision of the appeal, the appellants are not raising any construction as agreed by them before us.
>
> 9. Subject to the deposit of 50% of Rs.5,30,47,500/- with the respondent, the appellant shall continue to use the said passage till the decision of the appeal. However, it is directed that the appellant shall not sell or alienate or to carry out any construction in the suit property till the decision of the appeal."

2. Record of proceedings shows that while entertaining the appeal on 18.05.2017, this Court has granted interim stay of the impugned orders.

3. On this day, when the appeals are listed for further hearing, on the basis of an affidavit, filed on behalf of all the respondents, in the present Civil Miscellaneous Appeals, Mr.Om Prakash, learned Senior Counsel submitted that the respondents are not pressing the interim order, dated 21.02.2017, granted by the Appellate Tribunal, Prevention of Money Laundering Act, at New Delhi. He further submitted that in view of the above, instant Civil Miscellaneous Appeals may be disposed of.

4. For brevity, Paragraphs 6 and 7 of the affidavit, dated 10.10.2017, filed by Mr.S.Ramesh, on behalf of all the respondents in C.M.A.Nos.1561 to 1567 of 2017, are extracted hereunder:

> "6. I state that in the said circumstances, the respondent is filing this affidavit before this Hon'ble Court, reiterating our stand that we are not pressing the interim order, dated 21.02.2017, passed

by the Hon'ble Appellate Tribunal in MP-PMLA-3106 to 3112/CHN/2017 (Misc.) in FPA-PMPL-1624 to 1630/CHN/2017.

7. I submit that in view of the fact that the respondent is not pressing the interim order, dated 21.02.2017, passed by the Hon'ble Appellate Tribunal and by recording the same, the appeals can be disposed off as the said challenge becomes infructuous."

5. Submission of the learned Senior Counsel appearing for the respondents is placed on record and that the affidavit, dated 10.10.2017, submitted by Mr.S.Ramesh, shall be treated as part of the record.

6. Though Mrs.G.Hema, Special Public Prosecutor, appearing for the appellant seeks for interference of the orders, impugned in these appeals and also sought for an answer on the substantial questions of law, raised in the instant Civil Miscellaneous Appeals, in view of the averments and submission of the learned Senior Counsel, we are of the view that there is no need to address the above.

7. In the instant case, as the interim orders passed by the Tribunal, are not pressed by the respondents, the same shall be eschewed by the Tribunal, at the time of passing final orders. The parties are at liberty to seek for early disposal of the appeals, before the Tribunal.

8. With the above observations, the Civil Miscellaneous Appeals are disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

skm

To

1.The Judge,
The Appellate Tribunal,
Prevention of Money Laundering Act,
New Delhi.

2.The Session Officer,
V.R. Section,
High Court, Madras.

+ 2 cc to M/s.Ramalingam Associates, Advocate,SR.

+ 1 cc to M/s.Hema Special Public Prosecutor,SR.73100

C.M.A.Nos.1561 to 1567 of 2017

BR(CO)
NR 12/10/2017