

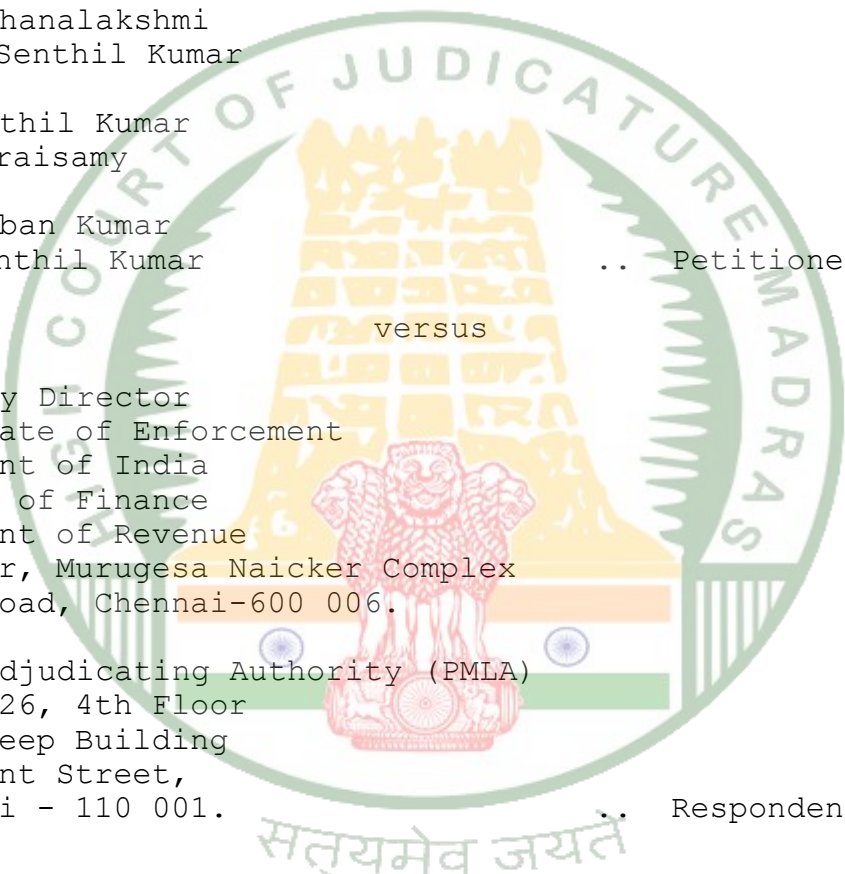
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.142 of 2018  
and  
WMP.Nos.204 & 205 of 2018

- 
1. Smt.Dhanalakshmi  
Wife of Senthil Kumar
2. D.Senthil Kumar  
S/o.A.Duraisamy
3. S.Rooban Kumar  
S/o.D.Senthil Kumar .. Petitioners
- versus
1. Deputy Director  
Directorate of Enforcement  
Government of India  
Ministry of Finance  
Department of Revenue  
3rd Floor, Murugesu Naicker Complex  
Greens Road, Chennai-600 006.
2. The Adjudicating Authority (PMLA)  
Room No.26, 4th Floor  
Jeevan Deep Building  
Parliament Street,  
New Delhi - 110 001. .. Respondents
- सत्यमेव जयते

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the impugned provisional attachment order No.19/2017 dated 06.09.2017 of the 1st respondent and the consequent complaint 817/2017 dated 27.09.2017 pending before the 2nd respondent and to quash the same as being without authority of law and contrary to the provisions of PMLA Act.

For Petitioners : Mr.B.Satish Sundar  
For Respondents : Ms.G.Hema  
Special Public Prosecutor

## O R D E R

The first petitioner is the wife of the second petitioner and the third petitioner is the son of the petitioners 1 and 2. The present writ petition is filed before this Court challenging the provisional attachment order No.19/2017 dated 06.09.2017 passed by the first respondent under the Prevention of Money Laundering Act, 2002 and the consequent complaint No.817/2017 dated 06.09.2017 pending before the second respondent.

2. Heard Mr.B.Satish Sundar, learned counsel appearing for the petitioners and Ms.G.Hema, learned Special Public Prosecutor, who takes notice for the respondents.

3. The grievance of the petitioners before this Court against the impugned provisional attachment order is that though the first petitioner was shown as an accused in a criminal complaint filed by the police under the above said Act, the petitioners 2 and 3 are not parties to the said proceedings and however, the impugned attachment order was passed in respect of the properties owned by these petitioners 2 and 3 as well. Therefore, it is contended by the learned counsel for the petitioners that the impugned attachment is without jurisdiction insofar as the petitioners 2 and 3 are concerned.

4. On the other hand, it is contended by the learned Special Public Prosecutor appearing for the respondents that the petitioners can very well go before the second respondent / Adjudicating Authority under Section 8 of the Prevention of Money Laundering Act, 2002, since the said provision of law empowers the second respondent to consider the claim of a person who has not been issued with the notice and not involved in money laundering also. Therefore, she submitted that it is not as though the petitioners 2 and 3 are not remediless.

5. It is not in dispute that the matter, which is arising under the Prevention of Money Laundering Act, 2002 is the one which has to be agitated before the second respondent and all these contentions raised before this Court can very well be raised by these petitioners before the second respondent, being the Adjudicating Authority. Section 8 of the Prevention of Money Laundering Act, 2002 contemplates that if the property is claimed by a person, other than a person to whom the notice had been issued, such person shall also be given an opportunity of being heard to prove that the property is not involved in money-laundering. Therefore, the contention of the learned counsel for the petitioners on the question of jurisdiction is liable to be rejected, as the petitioners 2 and 3 are also entitled to be heard by the second respondent while considering the matter in issue. When such statutory remedy is available to these

petitioners before the second respondent, being the Adjudicating Authority, this Court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution of India, either to entertain the writ petition for further hearing.

6. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioners, however, by granting liberty to the petitioners to approach the second respondent and file appropriate application seeking for appropriate relief in accordance with law. It is open to the petitioners to raise all the points raised herein before the second respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Director  
Directorate of Enforcement  
Government of India  
Ministry of Finance  
Department of Revenue  
3rd Floor, Murugesu Naicker Complex  
Greens Road, Chennai-600 006.
2. The Adjudicating Authority (PMLA)  
Room No.26, 4th Floor  
Jeevan Deep Building  
Parliament Street,  
New Delhi - 110 001.

+1cc to Mr.G.HEMA, Special Public Prosecutor, S.R.No. 1062

+1cc to Mr.B.SATHISHSUNDAR, Advocate, S.R.No. 942

W.P.No.142 of 2018

TR(29/01/2018)