

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.29759 of 2018
and W.M.P.No.34720 of 2018

T.C.George

.. Petitioner

Vs.

1. The Special Director,
Adjudicating authority,
Directorate of Enforcement,
Southern Regional Office,
Shastri Bhavan, III Block, III Floor,
26, Haddows Road, Chennai 600 006.

2. P.Radhakrishnan ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Prohibition prohibiting the first respondent from proceeding with the impugned show cause notice in F.No.T4/11/KCZO/SRC/2018 dated 28.02.2018 issued by the first respondent to the petitioner on the basis of the complaint bearing No.T-3/14/CZ/11 dated 20.03.2017 filed by the second respondent.

For Petitioner : Mr.V.Prakash, Senior Counsel
for Ms.S.Shalni

For Respondent-1: Ms.G.Hema,
Central Government Standing Counsel

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Prohibition, prohibiting the first respondent from proceeding with the impugned show cause notice in F.No.T4/11/KCZO/SRC/2018 dated 28.02.2018 issued by the first

respondent to the petitioner on the basis of the complaint bearing No.T-3/14/CZ/11 dated 20.03.2017 filed by the second respondent.

2. The contention of the learned Senior Counsel appearing for the petitioner is that one M/s.Skygreen Plantations and Produce Private Ltd is incorporated under the Companies Act, 1956. The petitioner, who was one of the Directors, has resigned from the said Company by filing Form 20-B. He has shares in the said Company. The said Company had purchased the petition mentioned lands through sale deed in the year 2011. Now, the second respondent had filed a complaint against the petitioner through impugned notice. The learned Senior Counsel further submitted that as the Company is permitted to have lands and the same is incorporated within India, the complaint based on which a show cause notice is issued, lacks jurisdiction.

3. A perusal of the impugned order would show that it is only a show cause notice calling upon the petitioner to give an explanation to the same. Time and again, this Court has held that show cause notice cannot be challenged. Therefore, on the face of it, this Writ Petition is not maintainable and it is liable to be dismissed.

4. It is open to the petitioner to submit his explanation and raise all those objections available to him including the question of jurisdiction of the first respondent. Time is granted to the petitioner to submit his explanation for the impugned show cause notice till 07.12.2018.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Srn/av

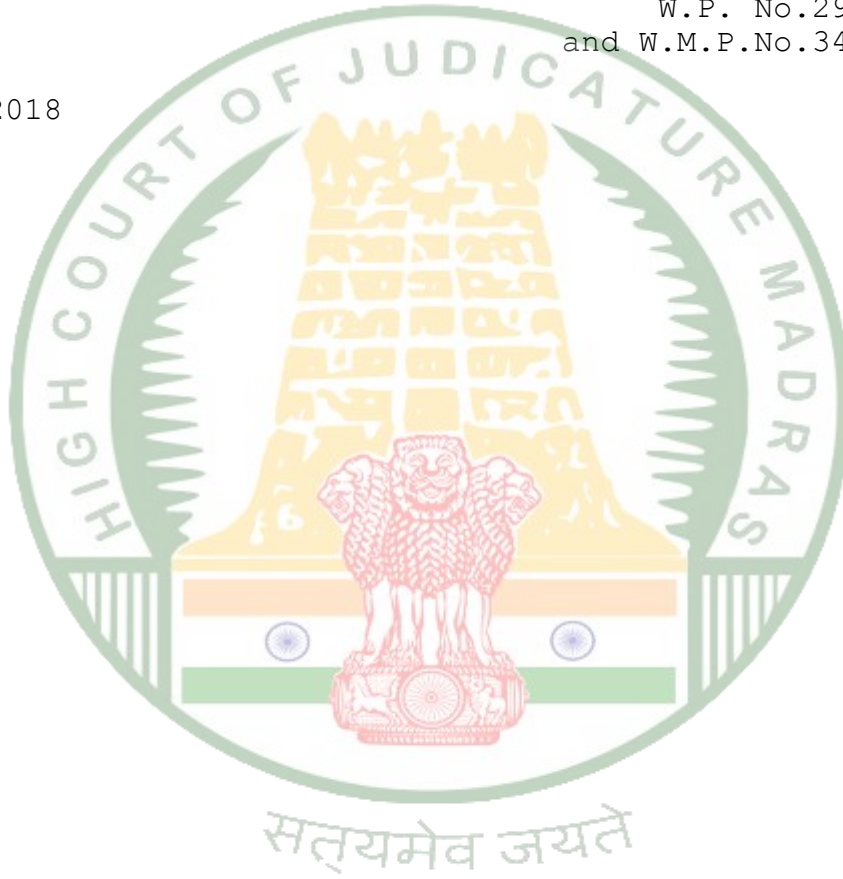
To

The Special Director,
Adjudicating authority,
Directorate of Enforcement,
Southern Regional Office,
Shastri Bhavan, III Block, III Floor,
26, Haddows Road, Chennai 600 006.

+3cc to M/s.S.Shalini, Advocate sr.no.76923

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nr 07/12/2018



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