

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.122 of 2018

Date of Decision: January 09, 2018

Brij Lal Garg

.....Petitioner

versus

Union of India and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Jagmohan Bansal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is aggrieved by the order dated 17.11.2017 (P-4) passed by the Adjudicating Authority in exercise of its powers under the Prevention of Money Laundering Act, 2002, whereby residential house which the petitioner had purchased in the year 1997, has been ordered to be attached in the proceedings arising out of FIR No.222 dated 14.11.2013 registered at Police Station Division No.5, Civil Lines, Ludhiana against Ashok Kumar son of Jagdish Ram, proprietor of M/s Trimurti Hosiery, Ludhiana.

Learned counsel for the petitioner though fairly states that the impugned order is appealable under Section 26 of the Prevention of Money Laundering Act, 2002, before the learned Appellate Tribunal, however, he submits that the instant writ petition may be entertained as a pure question of law, namely, whether or not the property purchased in the year 1997, i.e., much before the PMLA Act came into force on 01.07.2005, can also be attached under the said Act, falls for consideration in the instant case.

In our considered view, the above-mentioned question of law can be effectively adjudicated by the learned Appellate Tribunal which is

headed by a former Judge of the High Court. We thus dispose of this writ petition relegating the petitioner to avail the above-mentioned alternative remedy of appeal with a further request to the learned Presiding Officer of the Appellate Tribunal to decide the appeal expeditiously.

Ordered accordingly.

Dasti.

(SURYA KANT)
JUDGE

January 09, 2018
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(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No