

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-14183-2018

Date of Decision: May 30, 2018

Leela Kirpal

.....Petitioner

Versus

Assistant Director, Directorate of Enforcement

.....Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr.Saurabh Kapoor, Advocate with  
Mr.Puneet Agrawal, Advocate  
for the petitioner.

.....

**SURYA KANT, J.**

The house bearing Villa No.14A, Janpath Estate, South City, Canal Road, Ludhiana, allegedly owned by the petitioner (and not by her family members) was ordered to be attached by the Adjudicating Authority vide order dated 12.09.2017 (Annexure P-8). The petitioner's allegation is that she is the true owner of the property which was purchased out of her fully explained income. It further appears that no appeal was filed against the order passed by the Adjudicating Authority by the petitioner on the premise that she was never served with a Notice by the Adjudicating Authority. She came to know about the said order only when Notice under Section 8(4) of the Prevention of Money Laundering Act, 2002 (for brevity,'the 2002 Act') dated 15.03.2018 was served for taking physical possession of the property. The aggrieved petitioner approached this Court

against the said show cause notice and filed CWP No.8564-2018, which was

disposed of on April 05, 2018 with liberty to submit a reply to the said show cause notice, which was required to be considered in accordance with law. In compliance to those directions, the Directorate of Enforcement has passed the impugned communication, dated 15.05.2018 whereby the reply submitted by the petitioner has been rejected on various grounds.

[2] Be that as it may, so long as the order passed by the Adjudicating Authority qua the property in dispute sustains, the petitioner cannot question the consequential actions. Faced with this, learned counsel for the petitioner seeks to withdraw the writ petition with liberty to file statutory appeal under Section 26 of the 2002 Act being an 'Aggrieved Person' within the ambit of the said provision of the 2002 Act.

[3] Ordered accordingly. The writ petition is dismissed as withdrawn with liberty to the petitioner to file the statutory appeal. Since by now delay has occurred in filing the appeal, the petitioner may seek condonation of delay and such an application may be considered by the Appellate Authority sympathetically. With a view to enable the petitioner to avail the above-stated remedy, it is directed that status quo re: possession be maintained for one week.

**( SURYA KANT )**  
**JUDGE**

**May 30, 2018**  
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**( SHEKHER DHAWAN )**  
**JUDGE**

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|---------------------------------------|------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes</b> |
| <b>2. Whether reportable ?</b>        | <b>No</b>  |