IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

W.P.No.30246 of 2019
& WMP No.30221 & 30222 of 2019

M/s Sastha Spinning Mills Pvt. Ltd.,
Represented by its Managing Director
Shri R.Jagadish Kumar
No.38, Pappampatti Village,
Palani Taluk, Dindugal District. ... Petitioner

-vs-

1.Union of India, Through Secretary,
Department of Revenue, Ministry of Finance,
Government of India, North Block,
New Delhi.

2.The Director, Enforcement Directorate,
Government of India, Ministry of Finance,
Department of Revenue,
6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

3.The Deputy Director,
Directorate of Enforcement,
Department of Revenue, Ministry of Finance,
Government of India, 2nd and 3rd Floor,
'C' Block, Murugesa Naicker Complex,
84, Greams Road, Thousand Lights,
Chennai-600 006.

4. Adjudicating Authority,
(Under the Prevention of Money
Laundering Act, 2002),
Service through its Registrar,
Room No.26, 4th Floor,
Jeevan Deep Building, Parliament Street,
New Delhi. Through Registrar/
Administrative Officer. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records from the respondents herein and to quash the proceedings of the respondents herein in provisional attachment order No. 07/2019 dated 29.05.2019 under Section 5 (1) of the Prevention of Money Laundering Act, 2002, issued by Respondent No.3 and all consequential proceedings arising there from qua the petitioner arising out of Enforcement Case Information Report (ECIR) CEZO/03/ PMLA/2016 and consequentially quash the Original Complaint bearing O.C.No.1155/2019 dated 24.06.2019 filed by 3rd Respondent herein in terms of section 5 (5) of the Prevention of Money Laundering Act pending on the file of 4th Respondent herein.

For Petitioner .. Mr.B.Kumar, Senior Counsel for
Mr.S.D.Kayvin Prince

For Respondents .. Mr.N.Ramesh,
Special Public Prosecutor

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COMMON ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, claiming to be the bona fide purchaser of the agricultural land, has come forward to challenge an attachment order passed by the third respondent.

2. The learned Senior Counsel appearing for the petitioner primarily raised three contentions. The first contention is that the main person viz., Sridhar Dhanapal, who was involved in money laundering, is multiple crime accused and is no more. Therefore, the proceedings got abated. Consequently, no further proceedings would be initiated against the property, which was originally owned by the family members and thereafter

alienated. The second contention is that on the facts of the case, there is no iota of evidence to show that there involves money laundering. It is the third contention that in any case, the agricultural lands can never be the subject matter of attachment as they fall under the jurisdiction of the State.

3. Mr.N.Ramesh, learned Special Public Prosecutor appearing for the respondents, would submit that this Court has already taken a view in W.P.No.19929 of 2019 by an order dated 15.07.2019, taking note of the earlier order passed in W.P.(MD) No.2097 of 2017 dated 16.03.2018 that it is for the adjudicating authority to consider the objections raised by the petitioner. Inasmuch as, the Adjudicating Authority is already seized of the matter, the writ petition has to be dismissed.

4. As we are convinced that the remedy available is effective and efficacious, we are not invoking Article 226 of the Constitution of India when there is appeal remedy available.

5. In such view of the matter, the writ petition stands disposed of giving liberty to the petitioner to raise all the abovesaid three contentions before the Adjudicating Authority. The Adjudicating Authority is required to consider all the three contentions while passing final orders.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary, Union of India,
Department of Revenue, Ministry of Finance,
Government of India, North Block,
New Delhi.

2.The Director, Enforcement Directorate,
Government of India, Ministry of Finance,
Department of Revenue,
6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

3.The Deputy Director,
Directorate of Enforcement,
Department of Revenue, Ministry of Finance,
Government of India, 2nd and 3rd Floor,
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84, Greams Road, Thousand Lights,
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4. The Registrar/Administrative Officer.
Adjudicating Authority,
(Under the Prevention of Money
Laundering Act, 2002),
Service through its Registrar,
Room No.26, 4th Floor,
Jeevan Deep Building, Parliament Street,
New Delhi.

+1cc to Mr.N.Ramesh, Advocate sr.89132
+1cc to Mr.S.D.Kayvin Prince, Advocate sr.88598

W.P.No.30246 of 2019

rj(co)
nr 25/10/2019