

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.33805 of 2019
and
W.M.P.Nos.34314 and 34317 of 2019

D.Vasanthamani
W/o.K.Duraisamy (late) Petitioner

Vs

The Government of India
Ministry of Finance
Department of Revenue,
Directorate of Enforcement,
represented by its Assistant Director
S.Karthikeyan
3rd Floor, Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600006. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in Notice of Eviction in F.No.ECIR/03-04/CEZO/Z-II/2011 dated 28.11.2019, quash the same and further restrain the respondent from interfering with the petitioner's peaceful possession and enjoyment of the properties which were subject matter of Provisional Attachment Order No.2/2019 in F.No.ECIR/03-04/CEZO/Z-II/2011 (VSK) dated 29.03.2019.

For Petitioner : Mr.Shanmugasundaram, senior counsel
for Mr.I.Abrar Mohamed Abdullah

For Respondent : Mr.N.Ramesh,
Special Public Prosecutor for
Enforcement Directorate

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

By consent, the Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed seeking quash of Notice of Eviction in F.No.ECIR/03-04/CEZO/Z-II/2011 dated 28.11.2019 issued by respondent and for a direction restraining the respondent from interfering with the petitioner's peaceful possession and enjoyment of the properties which were subject matter of Provisional Attachment Order No.2/2019 in F.No.ECIR/03-04/CEZO/Z-II/2011 (VSK) dated 29.03.2019.

3. Though several contentions have been raised by Mr.Shanmugasundaram, learned senior counsel appearing for petitioner, his main contention is that the adjudicating authority, who heard the original complaint in O.C.No.1135 of 2019 filed by the respondent, has confirmed the provisional attachment order dated 29.03.2019. Since petitioner and his daughter have an appeal remedy u/s.26 of the PMLA Act against such order, they filed an appeal before the Appellate Tribunal, PMLA, New Delhi, as early as on 29.10.2019 along with a stay application. The said appeal has been numbered as FPA-PMLA No.3286/2019 along with the stay application in Application No.6568 of 2019. Learned senior counsel submits that when the petitioner contacted the registry of the Appellate Tribunal, PMLA, New Delhi, for an urgent hearing, he was informed that her appeal along with the stay application would be listed only on 24.01.2020 for admission due to non-availability of permanent Chairman. Learned senior counsel further submits that in the mean time, a notice of eviction has been issued by respondent and hence, the present Writ Petition has been filed seeking the aforesaid relief.

4. Heard Mr.N.Ramesh, learned Special Public Prosecutor appearing for respondent, on the above submissions.

5. This Court has considered the rival submissions and perused the materials on record.

6. Though the petitioner prays for a larger relief, considering the fact that this Court has already dealt with similar issue and deferred further proceedings, this Court, without going into the merits of the claim made by the petitioner, directs the respondent to defer further proceedings in pursuant to the impugned notice of eviction dated 28.11.2019 in F.No.ECIR/03-04/CEZO/Z-II/2011 till 24.01.2020 i.e., till the date of hearing of the appeal along with the stay application before the Appellate Tribunal PMLA, New Delhi.

The Writ Petition, accordingly, is disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

S.Karthikeyan
Assistant Director
The Government of India
Ministry of Finance
Department of Revenue,
Directorate of Enforcement,
3rd Floor, Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600006.

+1 cc to M/s.N.Ramesh, Advocate Sr.No. 102568

+1 cc to M/s.I.Abrar Md.Abdullah, Advocate Sr.No. 101498

AKM/09.12.19/3P-4C /

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