



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM:

THE HONOURABLE **MR.JUSTICE M.SATHYANARAYANAN**
and
THE HONOURABLE **MR.JUSTICE P.RAJAMANICKAM**

Writ Petition (MD)No.12179 of 2020

1.Rm.Sivagami Achi

2.Muthuveerappan

... Petitioners

Vs.

1.The Registrar,
Appellate Tribunal,
Prevention of Money Laundering,
New Delhi.

2.The Adjudicating Authority,
Prevention of Money Laundering,
New Delhi.

3.The Deputy Director,
Directorate of Enforcement,
Prevention of Money Laundering,
Government of India,
Ministry of Finance,
84, Greaves Road,
Thousand Lights,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to dispose of the appeal in FPA - PMLA - 3219/CHN/2019 pending on its file within the stipulated time fixed by this Court.

For Petitioners: Mr.G.Sridharan

For R1 & R2 : Mrs.L.Victoria Gowri
Assistant Solicitor General of India

For R3 : Mr.R.Vijayarajan



O R D E R

(Order of the Court was made by **M. SATHYANARAYANAN, J**)

By consent, the writ petition is taken up for final disposal.

2. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India accepts notice on behalf of the respondents 1 and 2 and Mr.R.Vijayarajan, learned counsel accepts notice on behalf of the third respondent.

3. The petitioners, in the affidavit filed in support of this writ petition, would aver among other things that the landed property comprised in Old Survey No.207/2A and New Survey No.91/2A bearing Patta No.134, Kalikappan II Bit Village, Madurai North Taluk, Madurai District, ad-measuring to an extent of 5 acres and 74 cents was originally owned by the father of the first petitioner and he executed a registered settlement deed dated 02.03.1966, in favour of the first petitioner and after the demise of Palaniappa Chettiar, his wife Meenakshi Aachi had adopted the second petitioner as her son by way of adoption deed dated 25.01.1974.

4. The petitioners would further state that the first petitioner had executed a registered settlement deed dated 11.07.1974 with regard to 2 acres out of the total extent of 5.74 acres in favour of the second petitioner and also in favour of his mother. The property comprised in New Survey No.91/2A2 stands in the name of the petitioners and the remaining extent of 3.74 acres in New Survey No.91/2A1 is in the name of the first petitioner and after the demise of the mother, the petitioners had entered into a registered partition deed dated 02.08.2013, in and by which, the first petitioner was allotted 4.24 acres and the second petitioner/the deponent of the affidavit was allotted with 1.50 acres and they claimed to be absolute possession and enjoyment of the same.

5. Both the petitioners, in order to overcome the financial crisis, during June 2019, decided to sell the landed property ad-measuring to an extent of 5.74 acres and during the course of negotiation, they became aware of the fact that the entire property has been attached by the third respondent, due to the case registered against one P.K.M.Selvam and S.Sankara Narayanan of Madurai and according to the petitioners, the said persons are total strangers to them and it is also their specific case that they have no connection or transaction either with them or with their Company/concern and at no point of time, they have given their property for cultivation.



6. The petitioners would further state that on their further enquiries, they became aware of the fact that the third respondent has registered a case in ECIR No.13 of 2015, dated 31.12.2015 and proceeded with the investigation against Mr.P.K.M.Selvam and Mr.Sankara Narayanan and had passed a provisional order of attachment against the immovable properties which included the landed property of the petitioners measuring 5.74 acres, vide order dated 22.12.2016, bearing No.23/2016, under Section 5(1) of the Prevention of Money Laundering Act, 2002.

7. The petitioners, challenging the provisional order of attachment, preferred a statutory appeal before the first respondent, along with the petition for condonation of delay and connected petitions.

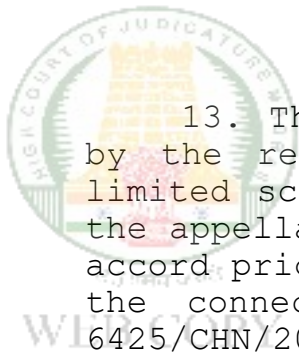
8. The first respondent took the appeal on its file in EPA-PMLA - 3219/CHN/2019, and the connected petitions in M.P.-PMLA-6424/CHN/2019 for early hearing as well as M.P.- PMLA - 6425/CHN/2019 for stay, M.P. - PMLA - 6426/CHN/2019 for condonation of delay and M.P. - PMLA - 6427/CHN/2019 for exemption.

9. The learned counsel appearing for the petitioners would submit that though the applications have been taken up for hearing on various dates, the same have not been given disposal and most of the claim of the petitioners as they have nothing to do with the alleged proceeds of crime and they have no connection whatsoever with the concerned persons viz., P.K.M.Selvam and S.Sankara Narayanan and therefore, prays for early hearing and disposal of the said applications and appeal.

10. The writ petition was listed for admission on 21.09.2020 and this Court, after taken into consideration the limited scope of the prayer sought for by the petitioners, permitted the learned counsel for the petitioners to serve papers upon Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India for the respondents 1 and 2 and Mr.R.Vijayarajan, learned counsel for the third respondent.

11. The matter is listed today. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India appearing for the respondents 1 and 2 on instructions would submit that the additional affidavit as to the condonation of delay having been found misplaced and due to sudden outbreak of COVID-19 Pandemic Virus, the appeal and the connected petitions could not be disposed of and that apart, there are vacancies in the appellate Tribunal also, and on instructions would further add that outer time limit of three months may be fixed for disposal of the said applications as well as the appeal.

12. This Court heard the submissions of the learned counsel for the third respondent also.



13. This Court, taking into consideration the submissions made by the respective learned counsel for the parties and also the limited scope of the prayer sought for by the petitioners, directs the appellate Tribunal/Prevention of Money Laundering, New Delhi, to accord priority and give disposal to FPA - PMLA - 3219/CHN/2019 and the connected petitions in M.P.-PMLA- 6424/CHN/2019, M.P.-PMLA- 6425/CHN/2019, M.P.-PMLA- 6426/CHN/2019 and M.P. - PMLA - 6427/CHN/2019, in accordance with law, as expeditiously as possible and not later than three months from the date of receipt of a copy of this order.

14. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Akv

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Registrar,
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Prevention of Money Laundering,
New Delhi.
- 2.The Adjudicating Authority,
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New Delhi.
- 3.The Deputy Director,
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Government of India,
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84, Greams Road,
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Chennai.



+1 CC to M/s.G. SRIDHARAN, Advocate (SR-18030[F] dated 25/09/2020)

+1 CC to M/s.L. VICTORIA GOWRI, Advocate (SR-18058[F] dated 25/09/2020)

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SJ(CO)

NR (08.10.2020) 5P 6C