

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

204

CWP No.18070 of 2020

Decided on : 21.12.2020

Supriya Kataria

... Petitioner

Versus

Directorate of Enforcement, Chandigarh Zonal Office through its Joint Director

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Dr. Amol Rattan Sidhu, Senior Advocate with
Mr. Mandeep Kumar, Advocate for the petitioner.

Mr. S.P. Jain, Additional Solicitor General of India with
Mr. Shobit Phutela, Advocate for the respondent.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the action of the respondent under Article 226/227 of the Constitution of India, whereby the respondent has directed the Sub-Registrar not to transfer the property of the petitioner without taking prior no objection from the respondent. Thus, a writ in the nature of mandamus has been sought directing the respondent to withdraw the notice sent to the Sub-Registrar, Kapashera, South West Delhi, New Delhi.

The property in question is Flat No.A-84, Eighth Floor, situated in Seema Co-operative Group Housing Society Ltd., Plot No.7, Sector-11, Dwarka, New Delhi.

In view of the order dated 01.12.2020, Mr. Phutela, had undertaken to place the impugned communication on the record. Resultantly, the letter dated 29.07.2020 has been placed on record as Annexure A-1, which was issued to the Sub-Registrar by the Assistant Director.

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The defence as such of the respondent in the written statement filed was that the respondent-department was going to issue necessary departmental orders in order to safeguard its interest.

Today, counsel for the respondent has communicated an order dated 19.12.2020, wherein an order of provincial attachment has been passed under Section 5 (1) of the Prevention of Money Laundering Act, 2002 by the Deputy Director, Enforcement Directorate. Counsels are in agreement that the property in question is also subject matter of the order now passed.

Resultantly, senior counsel appearing for the petitioner on instructions received from Mr. Mandeep Kumar, Advocate, submits that he may be permitted to withdraw the present writ petition with liberty to challenge the order dated 19.12.2020 in accordance with law. In such circumstances, it is apparent that the communication dated 29.07.2020 (Annexure A-1), as such has been rendered otiose, in view of the statutory order which has been passed.

The writ petition is, accordingly, disposed off with the aforesaid liberty to the petitioner.

DECEMBER 21, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No