

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.02.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR. JUSTICE V.SIVAGNANAM

W.P. NO. 2010 OF 2020

P.Sashi Kumar

..Petitioner

Vs.

1.The Joint Director,
Directorate of Enforcement,
Shastri Bhavan, III Floor,
3rd Block, B Wing,
No.26, Haddows Road, Chennai.

2.State Bank of India,
Stressed Assets Recovery Branch
rep. by its Chief Manager,
Red Cross Buildings,
Montieth Road, Egmore,
Chennai - 8.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to take appropriate action on the basis of petitioner's complaint dated 02.05.2018.

For Petitioner : Mr.N.S.Nandakumar
For Respondents : Mr.Rajnish Pathiyil,
Sr. Panel Counsel for R1
Mrs.S.R.Sumathy for R2

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

It is the case of the petitioner that he gave a complaint dated 10.03.2018 to the authorities and that they have not taken any action on the said complaint. Therefore, the petitioner has filed this petition for a mandamus to direct the first respondent herein to take appropriate action under the Prevention of Money Laundering Act on the complaint dated 10.03.2018 given by the petitioner.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.In the opinion of this Court, a direction of this nature cannot be issued since registration of a case by the Enforcement Directorate is based on the commission of the predicate offence and that too, based on the objective satisfaction that should be arrived at by the authorities for such registration. There is no statutory duty, for the registration of a case under the PMLA, based on such a complaint, for this Court to issue a mandamus. It is trite that a mandamus cannot be issued unless there is a breach of statutory duty.

4.In Secretary, Minor Irrigation and Rural Engineering Services, Uttar Pradesh Vs. Sahngoo Ram Arya and Another (2002 5 SCC 521), the Supreme Court stated that investigation cannot be stalled in order to find out if a person committed the offence as that would violate Article 21 of the Constitution of India.

5.With the above observation, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS IIII)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Joint Director,
Directorate of Enforcement,
Shastri Bhavan, III Floor,
3rd Block, B Wing,
No.26, Haddows Road, Chennai.

2.The Chief Manager,
State Bank of India,
Stressed Assets Recovery Branch,
Red Cross Buildings,
Montieth Road, Egmore,
Chennai - 8.

+lcc to Mr.Rajnish Pathiyil, Advocate, S.R.No.6647

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