



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.5673 of 2021
and
W.M.P.No.6281 of 2021

M/s.Palpap Ichinichi Software International Limited,
represented by its Managing Director
P.Senthilkumar .. Petitioner

Vs.

1.Government of India

Ministry of Finance, Department of Revenue
Directorate of Enforcement
represented by Deputy Director of Enforcement,
Office of Joint Director, Directorate of Enforcement,
Chennai Zone Office - I, II & III Floor, C Block,
Murugesu Naicker Complex,
84, Greaves Road, Chennai - 600 006.

2.M/s.Indian Bank

represented by its Authorised Officer,
ARM Branch, 4th Floor,
55, Ethiraj Salai,
Chennai - 600 008.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent in the impugned notice for taking possession dated 16.02.2021 under Sub-Section (4) of Section 8 of the Prevention of Money Laundering Act, 2002 and the consequential notice of eviction dated 24.02.2021 in F.No.ECIR/CEZO/06/2009, 27/2010 & 35/2010 (DD-MVM) issued by the first respondent and quash the same.

For Petitioner : Mr.B.Natarajan

For Respondents: Ms.G.Hema
Special Public Prosecutor [R1]



O R D E R

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking quash of the impugned notice dated 16.02.2021 under Sub-Section (4) of Section 8 of the Prevention of Money Laundering Act, 2002 and the consequential notice of eviction dated 24.02.2021 in F.No.ECIR/CEZO/06/2009, 27/2010 & 35/2010 (DD-MVM) issued by the first respondent.

2. It is the case of the petitioner that they are a software development company incorporated in the year 1950 and were providing Internet and Wireless services to various customers. The petitioner obtained a loan from the Indian Bank for the purchase of a property bearing Door No.17, Trunk Road (G.S.T. Road), St.Thomas Mount, Chennai - 600 016. The petitioner had also obtained certain other loans, for which, a third party had given a property as collateral security, the document of which, turned out be a forged one. Therefore, on the complaint of Indian Bank, the CBI registered a case in Crime No.9 of 2009 for the offences u/s.120(B) r/w 420, 467 and 471 IPC against various accused including the petitioner herein. Since the case registered by the CBI disclosed the commission of a predicate offence under the Prevention of Money Laundering Act, the Enforcement Directorate registered an ECIR on 13.02.2012 and passed an order of provisional attachment dated 22.02.2012 of the said property, viz., Door No.17, Trunk Road (G.S.T. Road), St.Thomas Mount, Chennai - 600 016, belonging to the petitioner. The petitioner challenged the provisional attachment order in W.P.Nos.4696 and 12854 of 2012, which were allowed by a learned single Judge on 11.07.2012. Aggrieved by the said order, the Enforcement Directorate filed Writ Appeal Nos.2614 and 2615 of 2012. During the pendency of the Writ Appeals, the Enforcement Directorate issued an eviction notice dated 24.02.2021 u/s.8(4) of the Prevention of Money Laundering Act, 2002. Challenging the said notice, the petitioner has filed the present Writ Petition.

3. Heard Mr.B.Natarajan, learned counsel for the petitioner and Ms.G.Hema, learned Special Public Prosecutor appearing for the first respondent.

4. Learned counsel on either side submit that the Writ Appeals filed by the Enforcement Directorate in Writ Appeal Nos.2614 and 2615 of 2012 have been dismissed by a Division Bench of this Court on 13.09.2021 confirming the order passed by the learned single Judge in the Writ Petitions. Since the entire attachment proceedings have been quashed by a learned single Judge, which has been confirmed by the Division Bench, the



consequent impugned notice of eviction dated 24.02.2021 also deserves to be quashed.

Accordingly, this Writ Petition is allowed. The impugned notice dated 16.02.2021 and the consequential notice of eviction dated 24.02.2021 in F.No.ECIR/CEZO/06/2009, 27/2010 & 35/2010 (DD-MVM) issued by the first respondent, are quashed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

gm

To

The Deputy Director of Enforcement,
Ministry of Finance, Department of Revenue,
Directorate of Enforcement,
Office of Joint Director, Directorate of Enforcement,
Chennai Zone Office - I, II & III Floor, C Block,
Murugesu Naicker Complex, 84, Greaves Road,
Chennai - 600 006.

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PA (CO)
GMY (07/12/2021)