



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.41054 of 2015

Mohammed Fathali

... Petitioner

Vs.

1. The Joint Director,
Enforcement Directorate,
6th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi -110 003.

2. The Chief Immigration Officer,
Bureau of Immigration,
East Block- VIII Level- II,
Sector-1, R.K.Puram,
New Delhi-110 066.

3. The Regional Director,
Directorate of Enforcement,
Shastri Bhavan,
III Floor, Block-III,
No.26, Haddows Road,
Chennai-600 026.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to conduct enquiry under the Prevention of Money Laundering Act, 2002 against the erring person based on the petitioner's Complaint / representation dated 30.11.2015.

For Petitioner : Mr.K.Pradeep Raj

For Respondents 1 & 3 : Mr.Rajnish Pathiyal
SPC

For Respondent 2 : Mrs.A.Anuradha



O R D E R

The Petitioner, who is not the citizen of India filed the present Writ Petition for a direction to conduct enquiry under the Prevention of Money Laundering Act, 2002, against the erring persons based on the complaint dated 30.11.2015.

2. Admittedly, the alleged offense of Money Laundering occurred outside the territorial jurisdiction of India and the respondents found that a complaint was already registered with the Police at Dubai.

3. Under these circumstances, the relief as it sought for, for initiation of action under the Prevention of Money Laundering Act, 2002, would not arise at all. If at all, any communication / information are shared between the Countries, then alone actions may be initiated and not otherwise. In this regard, the learned counsel for the respondents relied on Section 57 and 58 of the Act.

4. A letter of request to a contracting State in certain cases are mandatory for the purpose of initiation of action and more so, again it depends on the agreement or treaty existing between the Countries.

5. This being the factum and the provisions of the Act, the request of the petitioner cannot be considered by the authorities in India. However, the affidavit filed by the petitioner reveals that he has already registered a complaint before the Embassy at Dubai and it is for him to pursue the matter in the manner known to law. As far as the relief sought for in the present Writ Petition is concerned, the same deserves no consideration.

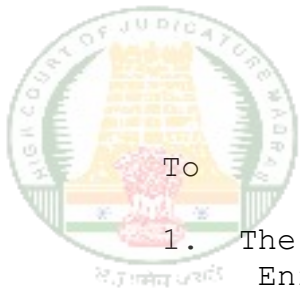
6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

shr/kan



To

1. The Joint Director,
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+1cc to Mr.Rajnish Pathiyil, Advocate SR.No.65211

W.P.No.41054 of 2015

GPL (CO)
GN (27/12/2021)