IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM

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

W.P.NOS.11599 & 11600 OF 2017
AND W.M.P.NOS.12606 TO 12610 OF 2017

1.J.Geetha
2.J.Nandini
3.A.Subramani
4.M.Amalraj
5.Mariappan .. Petitioners in both petitions

Vs.

1.The Chairperson,
Adjudicating Authority,
(Under Prevention of Money Laundering Act), 4th Floor,
Jeevan Deep Building,
Parliament Street,
New Delhi – 110 001.

2.The Special Director,
Directorate of Enforcement,
Southern Region,
Shastri Bhawan, 3rd Floor,
3rd Block, B-Wing, No.26,
Haddows Road,
Chennai – 600 006. ..Respondents in both petitions

3.The Deputy Director,
Directorate of Enforcement,
Cochin Zonal Office,
"Kanoos Castle", A.K.Sheshadri Road,
(Mullasery Canal Road – West),
Cochin – 682 011.

4.The Assistant Director,
Directorate of Enforcement,
Cochin Zonal Office,
"Kanoos Castle", A.K.Sheshadri Road,
(Mullasery Canal Road – West),
Cochin – 682 011. ..Respondents in W.P.No.11600/2017,WP No.11599/2017

Prayer in W.P.No.11599 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records of the 3rd respondent in Provisional Attachment Order No.2/2017 in ECIR/4/KCZO/2014 (AZ), dated 09.02.2017 issued under Section 5 (1) of the Prevention of Money Laundering Act, 2002 an the consequential original complaint in O.C.No.695 of 2017, dated 23.02.2017 filed by the 3rd respondent before the 1st respondent under Section 5(5) of the Prevention of Money Laundering Act, 2002 and quash the same as it is without jurisdiction and ultra vires Section 5 of the Prevention of Money Laundering Act, 2002 and consequently forbear the 1st respondent from proceeding with the adjudication proceedings under section 8 of the Prevention of Money Laundering Act, 2002, in O.C.No.695 of 2017 dated 23.02.2017.

Prayer in W.P.No.11600 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration to declare that the offences under Section 120-B IPC not being scheduled offences within the meaning of Section 2(y) of Prevention of Money Laundering Act, 2002, in the year 2007 and Lotteries (Regulation) Act, 1998 and the Lotteries (Regulation) Rules, 2010 not being scheduled offences within the meaning of Section 2(y) of Prevention of Money Laundering Act, 2002, at any point of time, the 4th respondent will have no jurisdiction over the petitioners 1 to 5 to take any proceedings as against them under the Prevention of Money Laundering Act, 2002.

For Petitioners
in both petitions : Mr.A.Ramesh,
Senior Counsel
& Mr.Sathish Parasaran,
Senior Counsel
for Mr.N.R.R.Arun Natarajan

For Respondents
in both petitions : Mr.N.Ramesh
Special Public Prosecutor (ED)

COMMON ORDER

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

In view of the order passed by a Division Bench of this Court in John Kennedy and others Vs. Joint Director, these writ petitions are dismissed as not maintainable. Liberty is given to the petitioners to work out their remedies in the manner know to law before the appropriate forum. Connected W.M.Ps. are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsd

To

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W.P.Nos.11599 & 11600 of 2017

LN(CO)
KKV/03/03/2021