



WEB COPY



W.P.No.29215 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH  
AND  
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.29215 of 2022

K.Selvam

.. Petitioner

Vs.

1.The Deputy Director  
Enforcement Directorate  
Chennai Zonal Office  
3<sup>rd</sup> Floor, Shastri Bhavan  
Haddows Road, Chennai 600 006

2.The Indian Bank  
Head Office at No.254 to 260  
Avvai Shanmugam Salai  
Royapettah, Chennai 600 014

3.S.Galeel Rahuman

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 1<sup>st</sup> respondent to consider the representation dated 05.07.2022 and reminder dated 11.08.2022 given by the petitioner.

For Petitioner : Mr.K.Vijayaraghavan

For R1 : Mr.P.Sidharthan  
Special Public Prosecutor (ED)



WEB COPY



W.P.No.29215 of 2022

## **ORDER**

[Made by P.N.PRAKASH, J.]

Seeking a direction to the 1<sup>st</sup> respondent to consider the representation dated 05.07.2022 and a reminder dated 11.08.2022 given by the petitioner, this petition has been filed.

2. The minimum facts that are required to decide this writ petition are as under:

2.1. One S.Galeel Rahman/R3 was involved in an offence under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 (for brevity “the PC Act”) along with the officers of the Indian Bank and is facing a prosecution in C.C.No.20 of 2016 before the Principal Special Judge for CBI Cases, Chennai.

2.2. Since the said prosecution disclosed the commission of a predicate offence under the Prevention of Money-Laundering Act, 2002 (for brevity “the PML Act”), the Enforcement Directorate registered a case under the PML Act and provisionally attached the flat of Galeel Rahman viz., F-6 Goutham Flats, No.444 & 445, Ramnagar North, Madipakkam, Chennai.

2.3. It appears that Selvam/petitioner is the owner of flat No.F4 in the same apartments. During 2015 Chennai floods, the entire area became



W.P.No.29215 of 2022

inundated, on account of which, Goutham Flats became inhabitable and therefore, all the residents vacated including Selvam. Now, Selvam and the other residents are desirous of demolishing Goutham Flats to construct a new one.

2.4. To effect the above plan, when they approached the office of the Sub Registrar, they learnt that Galeel Rahman's flat No.F6 is under attachment by the Enforcement Directorate. Hence, Selvam gave a representation dated 05.07.2022 to the respondents 1 and 2 and has filed the present petition with the above prayer.

3. On our directions, Mr.Sidharthan, learned Special Public Prosecutor, has filed a detailed counter and also submitted copies of the provisional order of attachment and confirmation order. Copies of the same have been furnished to the learned counsel for Selvam. Earlier, Selvam was totally in the dark, as to the circumstances under which, Galeel Rahman's flat was attached by the Enforcement Directorate. Now that, the Enforcement Directorate has filed their counter and has stated the details of the case, it is open to Selvam to work out his remedies, in the manner known to law.

With the above observation, this writ petition stands closed.

No costs.

gya

[P.N.P., J.] [N.A.V.,J.]  
22.12.2022



WEB COPY



W.P.No.29215 of 2022

P.N.PRAKASH, J.  
AND  
N.ANAND VENKATESH, J.

gya

To

1.The Deputy Director  
Enforcement Directorate  
Chennai Zonal Office  
3<sup>rd</sup> Floor, Shastri Bhavan  
Haddows Road  
Chennai 600 006

2.The Indian Bank  
Head Office at No.254 to 260  
Avvai Shanmugam Salai  
Royapettah, Chennai 600 014

3.The Public Prosecutor  
High Court, Madras

W.P.No.29215 of 2022

22.12.2022