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W.P. No.23663 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23663 of 2017

and

M.P.Nos.24837 & 24838 of 2017

M/s.Axis Bank Ltd,
Rep by its Authorised Signatory,
K.Thiyagarajan
Retail Assets Centre, 4th Floor,
ARCOT PLAZA, No.Old No.38, New No.165,
Arcot Road, Kodambakkam,
Chennai – 600 024.

... Petitioner

Vs

1.Director of Enforcement,
Rep by its Deputy Director,
Government of India,
Ministry of Finance,
Department of Revenue,
3rd Floor, C Block, Murugesu Naicker Complex,
84, Greaves Road, Chennai – 600 006.

2.S.Madhan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent vide its Impugned Provisional Attachment Order No.15/2017 dated 29.06.2017 and to



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quash the same in the light of Full Bench Judgment dated 10.11.2016 in W.P.No.2675 of 2011 passed by this Court and consequently direct the 1st respondent to drop all further proceedings against the petitioner in the complaint initiated by the 1st respondent by its notice dated 31.07.2017.

For Petitioner	: Mr.M.R.Uma Vijayan
For Respondents	: Mr.N.Ramesh Special Government Pleader for R1 No Appearance for R2

ORDER

This petition has been filed for a certiorarified mandamus, to call for the records of the 1st respondent vide its Impugned Provisional Attachment Order No.15/2017 dated 29.06.2017 and to quash the same in the light of Full Bench Judgment dated 10.11.2016 in W.P.No.2675 of 2011 passed by this Court and consequently direct the 1st respondent to drop all further proceedings against the petitioner in the complaint initiated by the 1st respondent by its notice dated 31.07.2017.



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3. Though elaborate submission was made by the learned counsel for the petitioner and also placed reliance on the decision of the Hon'ble Full Bench of this Court in W.P.No.2675 of 2011 vide order dated 10.11.2016, the fact remains that the impugned order has not been challenged. It is however valid only for a period of 180 days under Section 5(1) of Prevention of Money Laundering Act, 2002.

4. The learned counsel for the respondents submit that the final order has also been passed by the Attaching Authority under the provisions of Prevention of Money Laundering Act, 2002 on 20.12.2017 and the petitioner has filed an Appeal before the Appellate Authority in Appeal No.2191 of 2018 which is pending as on date.

5. Considering the above, this Writ Petition is dismissed as infructuous. However, liberty is given to the petitioner to work out his remedy before the



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Appellate Authority in Appeal No.2191 of 2018. No costs. Consequently,

connected miscellaneous petitions are closed.

11.10.2022

Index: Yes/ No

Internet : Yes/No

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To

The Deputy Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance, Department of Revenue,
3rd Floor, C Block, Murugesu Naicker Complex,
84, Greaves Road, Chennai – 600 006.



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C. SARAVANAN, J.

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