



W.P.(MD)Nos.14357 of 2015 and 1030 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.14357 of 2015 and 1030 of 2016

W.P.(MD)No.14357 of 2015

A.Seeni @ Seenivasan

... Petitioner

versus

1. The Chairperson,
Adjudicating Authority,
Room No.25, 4th Floor,
Jeevan Deep Building,
Patel Chowk,
Parliament Street, New Delhi.
2. The Joint Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance,
Department of Revenue,
2nd and 3rd Floor, 'C' Block,
Murugesu Naicker Complex,
No.84, Greaves Road, Thousand Lights,
Chennai – 600 006.
3. The Assistant Director,
O/o. Deputy Director,
Enforcement Directorate,



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Madurai Sub Zonal Office,
No.6 (Old No.42), Besant Road,
Chokkikulam, Madurai – 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the impugned notice of eviction vide F.No.ECIR/04/MDSZO/2014 dated 04.08.2015 issued by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.K.Kannan
For Respondents : Mr.R.Vijaya Rajan

W.P.(MD)No.1030 of 2016

A.Seeni @ Seenivasan

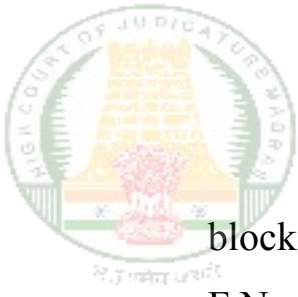
... Petitioner

versus

The Government of India,
Rep. by its Joint Director,
Directorate of Enforcement,
Ministry of Finance,
Department of Revenue,
2nd and 3rd Floor, C Block,
Murugesu Naickar Complex,
No.84, Greaves Road, Thousand Light,
Chennai – 6.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to release the properties, both movable and immovable properties



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blocked by the respondent as per his proceedings in F.No.ECIR/MDSZO/04/PMLA/2014 (PV) on 31.03.2015 to the petitioner based on his representation dated 07.12.2015 made to the respondent herein.

For Petitioner : Mr.K.Kannan
For Respondent : Mr.R.Vijaya Rajan

COMMON ORDER

The petitioner was arrayed as an accused in Crime No.140 of 2013 for the offences punishable under Section 8(C) r/w. 20(6)(ii)(C) r/w. 25 and 29 of NDPS Act, 1985 and was also detained as Goonda under Act 14 of 1982. On the recommendation of the Inspector of Police, Natham Police Station, the respondents have initiated action as against the petitioner under Section 5(1) of the Prevention of Money Laundering Act vide proceedings in F.No.ECIR/MDSZO/04/PMLA/2014 (PV) dated 31.05.2015 and the following properties of the petitioner have been attached pending the criminal case that these properties have been accumulated on the proceeds of crime.



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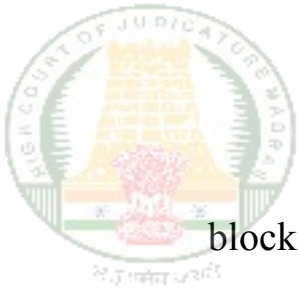
Immovable Properties:

Sl.No	Document		Property Description		Name of the property holder	Value as per Document
	No.	Date	Survey No.	Measurement		
1.	1097/2007	20.06.2007	199/2	3318 sq. ft.	A.Seeni	Rs.33,000
2.	575/2007	21.03.2007	No. 297/1B2, 297/1B1	1 Acre and 25 ½ Cents Plot	Sugumari, W/o.A.Seeni	Rs.92,000
3.	288/208	13.02.2008	297/1B2, 297/1B1, 297/1A2	1 Acre and 8 ½ Cent Plot	Sugumari, W/o.A.Seeni	Rs.1,30,000
4.	422/2008	28.02.2008	375/3A and 375/3B4	1470 Sq.ft. Plot with a house constructed on it having Door (New) No.8/69, Nehru Nagar, Ayan Velampatti Village	Vasuki, W/o.A.Seeni	Rs.23,73,500/-
5.	1011/2013	05.04.2013	375/13	578 sq. ft. Plot and a house measuring 288 sq. ft.	Vasuki, W/o.A.Seeni	Rs.2,00,000/-
6.	1681/2010	29.06.2010	No.375/3A	1102 ½ sq. ft. Plot with a house	Vasuki, W/o.A.Seeni	Rs.1,29,000/-

Movable Properties:

Sl.No	Description of the property	Registration Number and year of purchase	Value	Owner of the Property
1.	Chevrolet Tavera B3	TN-57-AB 2423 & 2010	Rs.7,88,000/-	Vasuki, W/o.A.Seenivasan

Therefore, the petitioner has filed W.P.(MD)No.1030 of 2016 for a Mandamus to release both the movable and immovable properties



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blocked by the respondent as per the proceedings dated 31.03.2015.

Consequent to that, the respondents have also issued an order of eviction vide F.No.ECIR/04/MDSZO/2014 dated 04.08.2015 directly to the petitioner to evict his house property situated at Door No.8/69, Nehru Nagar, Ayan Velampatti Village. As against that order, the petitioner has filed W.P.(MD)No.14357 of 2015.

2. Since the issue involved in both the writ petitions and the petitioner in both the writ petitions are one and the same, these writ petitions are taken up for hearing and disposed of by a common order.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and however, he has been falsely implicated in the case in Crime No.140 of 2013 and the same was also tried in C.C.No.52 of 2016 by the District and Sessions Court for EC and NDPS Act Cases, Madurai. The trial Court, by Judgment dated 01.08.2017, acquitted the petitioner from all the charges levelled as



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against him. Based on the Judgment dated 01.08.2017, a complaint filed by the Directorate of Enforcement against the petitioner, under the Prevention of Money Laundering Act, before the Principal Sessions Court, Madurai, in C.C.No.5 of 2016, was also ended in acquittal on 20.12.2017. Therefore, both the proceedings are liable to be quashed.

4. The learned counsel appearing for the Directorate of Enforcement submits that as against the order passed by the Court in C.C.No.5 of 2016 dated 20.12.2017, an appeal has been preferred by the Directorate of Enforcement before this Court in CrI.A.(MD)No.337 of 2018 and the same is pending. Therefore, he request this Court to list this matter along with appeal pending before this Court.

5. This Court considered the rival submissions made and perused the materials available on record.



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6. These writ petitions have been filed in the year 2015 and 2016 respectively and the same are pending for the past eight years.

The learned counsel for the petitioner claims that the petitioner has been acquitted in the criminal case initiated as against him in C.C.No. 52 of 2016 and the criminal case in C.C.No.5 of 2016 instituted as against him under the Prevention of Money Laundering Act. However, the Directorate of Enforcement has filed Crl.A.(MD)No.337 of 2018, as against the order of acquittal passed by the Principal Sessions Court, Madurai, in C.C.No.5 of 2016, which was initiated under the Prevention of Money Laundering Act.

7. The learned counsel appearing for the petitioner has also come forward with an affidavit of undertaking that he will not create any encumbrance or alienation of the properties till the disposal of Crl.A. (MD)No.337 of 2018.



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8. In view of the affidavit of undertaking filed by the petitioner and also the fact that as on date, the petitioner has been acquitted from all the charges, both the writ petitions are disposed of by recording the affidavit of undertaking of the petitioner. Both the parties shall co-operate for early disposal of CrI.A.(MD)No.337 of 2018. The Department is also permitted to file a copy of this order before the Registration Authority. No costs.

12.06.2023

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NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.

To

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