



WP(MD)No.26969 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.26969 of 2022
and
W.M.P.(MD)Nos.21133 & 21136 of 2022

A.Amutha Santhanakumari

... Petitioner

Vs.

1.The Adjudicating Authority,

The Prevention of Money Laundering Act,
Room No.26, 4th Floor,
Jeevan Deep Building,
Parliament Street, New Delhi-110 001.

2.The Assistant Director,

Directorate of Enforcement,
(The Prevention of Money Laundering Act, 2002),
Government of India,
Ministry of Finance, Department of Revenue,
3rd Floor, 3rd Block, Shastri Bhavan,
Haddows Road, Chennai-600 006.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to impugned order in O.A.No.432 of 2020 dated 19.07.2021 on the file of the 1st respondent and quash the same as illegal as against the petitioner and consequently, to direct the 2nd respondent to return the records /properties seized from the petitioner as per Annexure -C, dated 10.11.2020 within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

Senior Counsel for Mr.S.Rajasekar

For Respondents : Mr.M.Ashok Kumar

Senior Central Government Standing Counsel

ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

The petitioner challenges the order of the Adjudicating Authority dated 19.07.2021 passed in O.A.No.432 of 2020 filed by the 2nd respondent under Section 17(4) of Prevention of Money Laundering Act, 2002 (hereinafter referred to as 'the Act') in the present Writ Petition.

2.This Writ Petition has been preferred, since at the time when the petitioner had filed this Writ Petition, the Appellate Tribunal was not constituted. It is now brought to the notice of this Court by the learned Senior Counsel for the petitioner that the Appellate Tribunal is now constituted and is functioning.



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3.The learned Senior Counsel for the petitioner would also submit that if an opportunity is given to the petitioner, she would prefer an appeal before the Appellate Tribunal.

4.We have taken into consideration that under Section 26(3) of the Act, such an appeal requires to be preferred within 45 days from the date of the order of the Adjudicating Authority. However, since the Tribunal was not properly constituted and was not in function, the limitation provided under Section 26(3) of the Act could be condoned in the instant case.

5.In the light of the submissions made by the learned Senior Counsel for the petitioner, liberty is granted to the petitioner to prefer an appeal under Section 26 of the Act within 30 days from the date of receipt of a copy of this order. On receipt of such appeal, the Appellate Tribunal shall take the same on file, if it is otherwise in order and without reference to the limitation, adjudicate the proceedings.



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6.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) & (M.N.K.,J.)

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NCC : Yes / No

Index : Yes / No

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**M.S.RAMESH, J.
AND
M.NIRMAL KUMAR, J.**

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