



WEB COPY



W.P.No.10061 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.Nos.10061 & 10062 of 2018

R.Subramanian

... Petitioner in both Writ Petitions
Vs.

1.Union of India,
Represented by its Secretary,
Department of Revenue,
Ministry of Finance (Revenue),
No.128-A, North Block,
New Delhi – 110 001.

2.The Assistant Director,
Directorate of Enforcement,
Chennai Zonal Office,
3rd Floor, C Block Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai – 600 006.

... Respondents in both Writ Petitions

Prayer in W.P.No.10061 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of declaration, declaring Sections 49 to 51 of the Prevention of Money Laundering Act, 2002 as unconstitutional and ultra virus.

Prayer in W.P.No.10062 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of declaration, in the form



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of a writ holding that Section 19 of the Prevention of Money Laundering Act, 2002, granting power to 2nd respondent to arrest is unconstitutional and ultra virus.

For Petitioner : No appearance
For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General of India
asst by Mr.N.Ramesh,
Special Public Prosecutor

COMMON ORDER

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

The Writ Petitions on hand have been instituted to declare Sections 49 to 51 of the Prevention of Money Laundering Act, 2002 as unconstitutional and ultra virus and that Section 19 of the Prevention of Money Laundering Act, 2002, granting power to 2nd respondent to arrest is unconstitutional and ultra virus as unconstitutional and ultra virus.

2. With reference to the Writ of declaration, the issues are no more *res integra* and the Hon'ble Supreme Court of India has upheld that the validity of the provisions of the PMLA in the case of ***Vijay Madanlal Choudhary and Others Vs. Union of India and Others¹***.

¹[2023 21 ITR-OL 1]



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3. In view of the fact that the Act itself had been upheld by the Apex

Court, no further adjudication needs to be undertaken.

4. Consequently, the Writ Petitions are disposed of. No costs. The connected Miscellaneous Petition, if any, is closed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

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2.The Assistant Director,
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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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