



WEB COPY



W.P.No.4665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.4665 of 2023
and W.M.P.No.4664 of 2023

G.Venkatanarayanan

... Petitioner

Vs.

Deputy Director,
Office of the Joint Director,
Enforcement Directorate, Chennai Zonal Office,
2nd & 3rd Floor, Murugesu Naicker Complex,
84, Greaves Road, Thousand Lights, Chennai – 6.
(Ref: F.No.ECIR/CEZO/12/2016 dt: 02.12.2022)

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records and quash the Provisional Attachment Order (PAO) No.15/2022 dated 02.12.2022 in F.No.ECIR/CEZO/12/2016 on the file of Deputy Director, Office of the Joint Director, Enforcement Directorate, Chennai Zonal Office.

For Petitioner : Mr.A.Ramesh,
Senior Counsel,
for Mr.B.A.Sujay Prasanna



W.P.No.4665 of 2023

For Respondent : Mr.P.Sidharthan
Special Public Prosecutor (EP)

ORDER

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

The order impugned in the present Writ Petition is the Provisional Attachment Order (PAO) dated 02.12.2022 made under Section 5(1) of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as PMLA), of 12 immovable properties belonging to the petitioner and his wife.

2. Though several grounds have been raised in this Writ Petition, attacking the validity of the impugned PAO, the learned Senior Counsel appearing for the petitioner submitted that the petitioner has no intention of creating any encumbrance over the properties, which are the subject matter of the impugned PAO and that the petitioner has also given his own affidavit in this regard. The affidavit filed by the petitioner herein, is as follows:-



WEB COPY



W.P.No.4665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.P. No. 4665 of 2023

Against

Provisional Attachment Order (PAO) No. 15/2022

(On the file of the Deputy Director, Office of the Joint Director, Enforcement Directorate,
Chennai Zonal Office)

Mr. G. Venkatanarayanan, M- 57 Yrs./2024,
S/o Late Shri. N. Gopalakrishnan,
No. Sannathi Street,
Kamatchi Nagar, Valsaravakkam,
Chennai – 600 087

.. Petitioner

Ve

Deputy Director,
Office of the Joint Director,
Enforcement Directorate, Chennai Zonal Office,^{2nd}
& 3rd Floor, Murugesu Naicker Complex,
84, Greaves Road, Thousand Lights, Chennai – 6,
(Ref. F. No. bCIR/CEZCO/12/2016 dt: 02.12.2022)

.. Respondent

AFFIDAVIT OF G. VENKATANARAYANAN

I, G. Venkatanarayanan, S/o Shri. N. Gopalakrishnan, male, aged about 56 years, Indian, Hindu, serving the Government of India as the Director, Scientist E, Bureau of Indian Standards, Chennai, presently residing at No. 26, Sannathi Street, Kamatchi Nagar, Valsaravakkam, Chennai – 600 087 do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Petitioner herein. I am conversant with the facts and circumstances of this case and I am competent to swear this affidavit.
2. For the sake of brevity and clarity, I crave leave of this Hon'ble Court to treat the contents of the affidavit filed along with the present writ petition as part and parcel of this present affidavit.

Page 1 of 4
No. of corrections: NIL



G. Venkatanarayanan



W.P.No.4665 of 2023

WEB COPY

2

3. I have preferred the present writ petition seeking this Hon'ble Court to call for records and issue a writ of certiorari quashing the provisional attachment order bearing P.A.O No. 15 of 2022 on the file of the Respondent herein ('Impugned Order').
4. The Respondent herein vide the impugned order passed under Sec. 5(1) of the Prevention of Money Laundering Act, 2002 had provisionally attached 12 immovable properties worth Rs. 1,77,27,000/- (Rupees One Crore Seventy-seven Lakhs Twenty-seven Thousand Only) belonging to my wife, Mrs. K. Suja and myself
5. The details of the immovable properties are tabulated herein below:

S. No.	Description	Amount Involved (in Rs.)
1.	Plot No. 46 measuring 1200 Sq. Ft. at Kommaighatta Village, Kengeri, Hobli, Bangalore registered in the name of Shri G. Venkatarayanan vide Document No. 131/2010-11 dated 27.11.2020	5,00,000
2.	Plot No. 40 measuring 1200 Sq. Ft. in Chitra Nagar under Survey No. 59/1A registered in the name of Smt. K. Suja vide Document No. 4349/2012 dated 29.03.2012	19,80,000
3.	Actual share of Agricultural land measuring 0.72 Acres (out of 2.89 Acres in the name of four persons) at Navalpakkam Village registered in the name of Smt. K. Suja vide document No. 823/2008 dated 02.05.2008	43,100
4.	Actual share of agricultural land measuring 0.54 Acres (out of 1.63 Acres in the name of three persons) at Navalpakkam Village registered in the name of Shri G. Venkatarayanan vide document No. 916/2008 dated 15.05.2008	25,000
5.	House Site having an area of 3665 Sq. Ft. in Ayyanadaippu, Thoothukudi registered in the name of Shri G. Venkatarayanan vide document No. 1005/2007 dated 09.05.2007	1,02,600

Page 2 of 4
No. of corrections: NIL



Handwritten signature



W.P.No.4665 of 2023

WEB COPY

3

6.	Plot No. 26 measuring 2800 Sq. Ft. situated in Sannathi Street, Kamatchi Nagar, Valsaravakkam registered in the name of Smt. K. Suja vide Document No. 2501/2009 dated 26.06.2009	49,00,000
7.	Actual share of Agricultural land measuring 0.32 Acres (out of 0.95 Acres in the names of three persons) at Navalpakkam Village registered in the name of Shri G. Venkataswamyam vide Document No. 1515/2008 dated 11.08.2008	13,000
8.	Actual share of Agricultural land measuring 0.64 Acres (out of 1.91 Acres in the name of three persons) at Navalpakkam Village registered in the name Shri G. Venkataswamyam vide Document No. 1516/2008 dated 26.11.2005	21,000
9.	Plot No. 73 measuring 2880 Sq. Ft in Koenmaghtha Village, Kengeri, Hobli, Bangalore registered in the name of Smt. K. Suja vide Document No. 17844/2005-06 dated 26.11.2005	6,91,000
10.	Agricultural land measuring 0.63 Acres in Noyyalupakkam Village registered in the name of Shri G. Venkataswamyam vide Document No. 10642/2006 dated 06.11.2006	63,000
11.	Agricultural land measuring 0.04 Acres in Noyyalupakkam Village registered in the name of Shri G. Venkataswamyam vide Document No. 3895/2008 dated 13.05.2008	12,000
12.	The value of the construction for the three storied building at Plot No. 26, Sannathi Street, Kamatchi Nagar, Valsaravakkam in the Smt. K. Suja.	94,61,300
Total value of immovable properties		Rs. 1,77,27,000/-



Signature

Page 3 of 4
No. of corrections: NIL



W.P.No.4665 of 2023

WEB COPY

4

6. I hereby undertake to not conceal, transfer, or deal with the above-mentioned immovable properties registered in my name, more specifically described in S. Nos. 1, 4, 5, 7, 8, 10, and 11 in the above table, in any manner that may frustrate any of the proceedings against us under the Prevention of Money Laundering Act, 2002 without the prior consent of the Respondent herein or an order of the jurisdictional court.

7. At this juncture, it is apposite to state that my wife, Mrs. K. Suja has already made an undertaking to similar effect before this Hon'ble Court by filing an affidavit dated 24.05.2018 in CrI. O.P. No. 9861 of 2018 on the file of this Hon'ble Court. The said affidavit can be found on page no. 94 of the typed set of documents filed along with the present writ petition. That apart, we have independently made a similar undertaking before the Respondent herein, which is found on page nn. 419 and 452 of the present typed set of documents.

In these circumstances, I most humbly pray before this Hon'ble Court to take the present affidavit on record and allow the writ petition in the interest of justice.

Solemnly affirmed at Chennai on this the _____ day of April 2024 and signed his name _____
in my presence.



BEFORE ME


A. DEVANATHAN, B.A., B.L.
ADVOCATE, NOTARY PUBLIC
COMMISSIONER OF OATHS
Law Association, City Civil Court,
No. 189, Adil, New Law Chambers,
High Court Campus, Chennai - 600 104

VERIFICATION

I, Arundhanarayana, S/n. Shri. N. Gopalakrishnan, male, aged about 56 years, Indian, Hindu, serving the Government of India as the Director, Scientist E, Bureau of Indian Standards, Chennai, presently residing at No. 26, Somasathi Street, Kamatchi Nagar, Valasaravakkam, Chennai - 600 087 do hereby solemnly affirm and sincerely state on oath that the contents of paragraphs 1 to 7 of the present affidavit are true to the best of my knowledge and are borne on available records. Nothing material is concealed therefrom.

Verified at Chennai on this the _____ day of April 2024

Page 4 of 4
No. of corrections, NIL




A. DEVANATHAN, B.A., B.L.
ADVOCATE, NOTARY PUBLIC
COMMISSIONER OF OATHS
Law Association, City Civil Court,
No. 189, Adil, New Law Chambers,
High Court Campus, Chennai - 600 104



W.P.No.4665 of 2023

WEB COPY

3. To the aforesaid affidavit, the Assistant Director of the Enforcement Directorate, Chennai, has also filed a reply which reads as follows:-

**BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT
MADRAS**

W.P.No. 4665 of 2023

1.G.Venkatmarayannan
2.K.Suja
.....Petitioners

-VS-

1 The Assistant Director Enforcement Directorate
..... Respondent

REPLY TO THE AFFIDAVIT FILED BY THE PETITIONERS

The respondent submit as follows:-

1. The respondent had filed the above WP seeking to quash the PAO Order No.15-02/2022.
2. the respondent submit that during the course of arguments petitioner wished to submit an affidavit of undertaking stating that the petitioners will not conceal, transfer or deal with attached properties under PAO No. 15 of 2022, stands in the name of the petitioners in any manner which will frustrate any of the proceedings against the petitioners without prior consent of the respondent at the Jurisdiction court.
3. The respondent submit that the respondent have gone through the affidavit of undertaking filed by the petitioners and the respondent is ready and willing to accept the undertaking affidavit and also intimate the same before the Adjudicating authority Concern.
4. The respondent submit that the petitioner should also abide by the outcome of the Judgment in Spl CC No.2 of 2023 on the file of XII Additional CBI Cases, Chennai.
5. The respondent prays that this Hon'ble court may be please to accept the reply made by the respondent and pass such suitable order as this Hon'ble court may deem fit and thus render justice

Dated at Chennai on this 12th July of 2024


12/7/2024
ASSISTANT DIRECTOR
ENFORCEMENT DIRECTORATE
CHENNAI ZONE


SPECIAL PUBLIC PROSECUTOR
ENFORCEMENT DIRECTORATE
CHENNAI ZONE





W.P.No.4665 of 2023

WEB COPY

4. The object behind passing of the original PAO is to prevent any person who is in possession of any proceeds of crime from concealing, transferring or dealing with it in any manner which may result in frustrating confiscation of such proceeds of crime under PMLA.

5. The affidavit furnished by the petitioner also affirms that the petitioner would not conceal, transfer or deal with, in any other manner to create any encumbrance over 12 properties referred to in the impugned PAO.

6. As such, the interest of the respondent has been protected and hence, the provisional attachment could be lifted.

7. In the light of the above observation, the affidavit of the petitioner as extracted above, is hereby recorded and the impugned Provisional Attachment Order dated 02.12.2022, is hereby quashed. It is further recorded that the petitioner shall abide by the undertaking given in his affidavit, which has been recorded in this order.



W.P.No.4665 of 2023

WEB COPY

8. Accordingly, the Writ Petition stands ordered. No costs.

Connected miscellaneous petition is closed.

[M.S.R., J]

[S.M., J]

18.07.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Sni

To

1. Deputy Director,
Office of the Joint Director,
Enforcement Directorate, Chennai Zonal Office,
2nd & 3rd Floor, Murugesu Naicker Complex,
84, Greaves Road, Thousand Lights, Chennai – 6.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.4665 of 2023

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Sni

W.P.No.4665 of 2023

18.07.2024