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W.P.No.4848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.4848 of 2024
and
W.M.P.Nos.5289 and 5292 of 2024

1.Sulochana
2.K.Damodharan
3.K.Babu

...Petitioners

vs.

1.The Union of India, rep by,
The Assistant Director, O/o. The Joint Director,
(Prevention of Money Laundering)
Directorate of Enforcement,
Chennai Zonal Office,
3rd Floor, 3rd Block, Shastri Bhavan,
26, Haddows Road, Chennai – 600 006.

2.The Sub – Registrar,
Thiruvottiyur,
Chennai – 600 019.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the impugned Communication dated 02.09.2010 in F.No.ECIR/53/CZ/PMLA/2010 of the first respondent registered as Document No.2 of 2010 at the second respondent SRO and quash the same



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in so far as the attachment of lands measuring about 57 cents in Survey No.1316/2 in Vallur Village, Minjur (Item No.61).

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For Petitioners :: M/s.B.Sharmila
For Respondents :: Mr.Rajnish Pathiyil
Spl. Public Prosecutor

ORDER

(Order of the Court was made by **SUNDER MOHAN,J.**)

This writ petition has been filed to call for the records of the impugned communication dated 02.09.2010 in F.No.ECIR/53/CZ/PMLA/2010 of the first respondent, registered as Document No.2 of 2010 at the second respondent SRO and quash the same in so far as the attachment of lands measuring about 57 cents in Survey No.1316/2 in Vallur Village, Minjur (Item No.61).

2. Mr.Rajnish Pathiyil, the learned Special Public Prosecutor, appearing for the first respondent/Directorate of Enforcement, submitted that the property of the petitioners is not part of the proceeds of crime, and hence, the first respondent has sent a communication to the second respondent to remove the encumbrance. The first respondent has filed a counter-affidavit. Paragraph 5 of the counter-affidavit reads as follows:

“5. It is submitted that an email communication



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dated 15.03.2024 has also been sent by the investigation officer to the 2nd Respondent, Sub Registrar, Thiruvottiyur stating that the subject property bearing Survey No.1316/2 of the Petitioner is not part of the proceeds of crime arising out of the offence in the subject case and requesting to remove the encumbrance regarding the same.

3. The counter filed by the first respondent/Directorate of Enforcement, shows that the grievance of the petitioners has been redressed.

4. Recording the submission of Mr.Rajnish Pathiyil, the learned Special Public Prosecutor, for the first respondent/Directorate of Enforcement, and the counter, which is extracted above, the writ petition is closed. No Costs. Consequently, the connected miscellaneous petitions are closed.

(M.S.R.,J.) (S.M.,J.)
18.03.2024

dk

Neutral citation : Yes/No

To

1.The Assistant Director, O/o. The Joint Director,
(Prevention of Money Laundering)
Directorate of Enforcement,



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AND

SUNDER MOHAN,J.

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