



WEB COPY



W.P.No.6646 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

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

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

**W.P.No.6646 of 2024
and W.M.P.No.7386 of 2024**

M/s. Mirik Developers Private Limited,
Now Grandeur Buildwell Private Limited,
Represented by its Managing Director,
No.A-67, Lajpat Nagar II,
National Capital Territory of Delhi,
New Delhi 110 024
through their Power of Attorney,
M/s.Rahamath City Developers Private Limited,
represented by its Managing Director
Mr.S.Rahamathulla Baig, M/60,
Son of Mr.Shamseer Baig
No.60, Kamaraj Street, Villupuram- 605 602....

Petitioner

Vs.

1. The Deputy Director,
Head Quarters,
Investigation Unit 2(3),
Directorate of Enforcement,
New Delhi.

2. The Sub Registrar,
Office of the Sub Registrar,
Tambaram

...

Respondents



W.P.No.6646 of 2024

Prayer:- This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his Provisional Attachment Order No.03/2022 vide his proceedings F.No.ECIR/04/DLZO-II/2018 dated 15.02.2022 and quash the same in so far relates to the land situated in Survey No.581/1 measuring to an extent of 1.582 Acres in Nedunkundram Village, Vandalur Taluk, Chengalpattu District.

For Petitioner : Mrs. R. Hemalatha

For Respondent : Mr. Rajinish Pathiyil
No.1 Special Public Prosecutor

Respondent No.2 : No appearance

ORDER

[Order of the Court is made by S.M.SUBRAMANIAM, J.]

The Provisional Attachment Order No.03/2022 dated 15.02.2022 is under challenge in the present writ proceedings.

2.The Provisional Attachment is made under Sub Section 5(1) r/w. 2(1)(u) of the Prevention of Money Laundering Act 2002 (hereinafter referred as PMLA).



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WEB COPY 3.The learned Special Public Prosecutor appearing for the first respondent would bring to the notice of this Court that the further adjudication continued and the Adjudicating Authority passed final orders under Section 8 of PMLA.

4.Once, final order has been passed under Section 8 by the Adjudicating Authority, further appeal would lie under Section 26 of PMLA. Therefore, adjudication on merits with reference to the provisional attachment became unnecessary and the petitioner is at liberty to raise all the grounds both factually and legally before the Appellate Authority if the petitioner is advised to prefer an appeal. However, in the event of filing an appeal, the period, during which, the writ petition pending before the High Court is to be taken into consideration for condoning the delay. The other requirements of filing appeal is to be scrupulously complied. Pertinently, the impugned Provisional Attachment Order dated 15.02.2022 has been confirmed by the Adjudicating Authority on 22.08.2022 in O.C.No.1652 of 2020. Thus, the impugned Provisional Attachment Order merged with the



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final order of attachment passed by the Adjudicating Authority and therefore, the cost did not exist. Accordingly, writ petition stands dismissed.

No costs.

[S.M.S., J.] [R.S.V., J.]
19.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp

1. The Deputy Director,
Head Quarters,
Investigation Unit 2(3),
Directorate of Enforcement,
New Delhi.
2. The Sub Registrar,
Office of the Sub Registrar,
Tambaram.
3. The Public Prosecutor,
High Court, Madras.



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