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W.P.No.28193 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.28193 of 2024

1.M/s.Universal Fertilizer Corporation,
Rep. by its Partner V.Rajesh
Son of P.Vijay Natraj
No.14, Abdul Rahim Road,
Race Course Road,
Redfield, Coimbatore - 641 018.

2.V.Rajesh

3.V.Shanthi

... Petitioners

Vs.

1.The Assistant Director,
Enforcement Directorate,
Shastri Bhavan, No.26, Haddows Road,
Nungambakkam, Chennai – 600 006.

2.The Branch Manager,
Canara Bank,
SME Branch,
Coimabtoe - 641018



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3. The Sub Registrar,
Vellakovil,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent herein to, in a time bound manner, refund the cash deposit to the tune of Rs.58,14,574/- deposited in the name of the “Joint Directorate of Enforcement Chennai” along with the interest from 01.07.2024 onwards and further to direct the first respondent to give an appropriate communication to the Sub Registrar, Vellakovil to raise the attachment of the immovable properties belonging to the third petitioner pursuant to the orders of the Appellate Tribunal under SAFEMA at New Delhi dated 07.05.2024 and in lieu of our representation dated 24.06.2024.

For Petitioner	: Mr.M.Guruprasad
For R1	: Mr.S.Sasikumar Special Public Prosecutor (For ED)
For R2	: Mr.P.Raghunathan for M/s.T.S.Gopalan & Co.
For R3	: Mr.B.Vijay Additional Government Pleader



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ORDER

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

The writ of Mandamus has been instituted to direct the first respondent to refund the cash deposit of Rs.58,14,574/- deposited in the name of the Joint Director, Directorate of Enforcement, Chennai, along with interest from 01.07.2024 onwards.

2.When the matter was taken up for hearing, the Assistant Director, Directorate of Enforcement, filed a counter stating that the amount deposited was Rs.55,84,652.88/-.

3.The learned counsel for the petitioner disputed the said amount by stating that actual deposit was made to the tune of Rs.58,14,574/- in the name of the Joint Director, Directorate of Enforcement, Chennai.

4.In view of the controversy, we have directed the second respondent Canara Bank, SME Branch, Coimbatore to give the details regarding the



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deposit made by the petitioner in the name of the Joint Director, Directorate of Enforcement, Chennai. The second respondent filed a memo on 05.12.2024 stating that on 14.05.2014 the second respondent informed the first respondent about the amount available in the deposits as at 14.05.2014. On 27.11.2024, the Bank sent to the Joint Director, Directorate of Enforcement, Chennai a sum of Rs.58,14,574/- by way of Demand Draft in faovur of "Joint Director, Directorate of Enforcement, Chennai" and it was made after closure of the Fixed Deposits.

5.In view of the memo filed by the second respondent Bank that a sum of Rs.58,14,574/- was transferred in the name of the Joint Director, Directorate of Enforcement, Chennai, the first respondent is bound to return the said amount to the petitioner. It is not in dispute that both the predicate offence and the offence of money laundering were dropped against the petitioner and therefore the petitioner is entitled for the relief. Accordingly, the first respondent is directed to pay the said sum of Rs.58,14,574/- within a period of four weeks from the date of receipt of a copy of this order in the name of Universal Fertilizer Corporation at Canara Bank,



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A/c.No.1236279005012, IFSC Code:CNRB0002396, SME Branch,
Coimbatore.

6.Further, in view of dropping of all further proceedings, necessary communications are to be sent to the concerned parties including the Sub-Registrar for making necessary entries in the Encumbrance Registers.

7.With the above directions, the writ petition stands disposed of.

[S.M.S., J.] [M.J.R., J.]
09.12.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

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To

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- 2.The Branch Manager,
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- 3.The Sub Registrar,
Vellakovil,
Tiruppur District.
- 4.The Special Public Prosecutor,
Madras High Court.



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