



WEB COPY



W.P.No.31673 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.31673 of 2024

C.Sankaralingam

... Petitioner

Vs.

- 1.The Director,
Directorate of Enforcement,
Chennai Zone,
Murugesu Naicker Office Complex,
No.84, Greaves Road,
Chennai – 600 006.
- 2.Chennaivazh Thiruthangal Hindu Nadar
Uravinmurai Dharma Fund (Regn.No.114/1960)
Rep. by its Joint Secretary,
No.113, P.A.N.Rajarathinam Salai,
Chennai – 600 021.
- 3.The Principal Investigation Officer,
Income Tax Department,
Ayakar Bhawan,
No.121, M.G. Road,
Chennai – 600 034.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to initiate enforcement action as against the 2nd respondent, pursuant to the petitioner's representation dated 09.03.2024.

For Petitioner	: Mr.B.Karthik
For R1	: Mr.N.Ramesh Special Public Prosecutor [For Enforcement Directorate]
For R2	: Mr.S.Thankasivam
For R3	: Mr.A.P.Srinivas Senior Standing Counsel [For Income Tax]

ORDER

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

The writ of mandamus has been instituted to direct the 1st respondent / Enforcement Directorate to initiate action against the 2nd respondent.

2. The 2nd respondent is the private fund namely Chennaivazh Thiruthangal Hindu Nadar Uravinmurai Dharma Fund.



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3. Mr.N.Ramesh, learned Special Public Prosecutor appearing on behalf of the Enforcement Directorate would submit that no predicate offence exist. In the absence of any criminal case registered, Enforcement Directorate cannot step-in under the provisions of the Prevention of Money Laundering Act, 2002 for conducting investigation.

4. Since there is no criminal case registered and predicate offence exist, the direction as such sought is not entertainable.

5. Pertinently, the petitioner has already instituted a civil suit in O.A.No.1968 of 2024, which is pending on the file of learned 13th Additional City Civil Court, Chennai. That being the factum, the petitioner is at liberty to redress his grievances in the manner known to law.

6. However, the writ petition is not entertainable, since directions as such sought for against the Enforcement Directorate cannot be considered by this Court in exercise of the powers of judicial review under Article 226 of the Constitution of India.



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7. Thus, the Writ Petition stands dismissed. No costs.

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[S.M.S., J.] [M.J.R., J.]
08.11.2024

Index : Yes

Speaking order / Non-speaking order

Neutral Citation : Yes

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To

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High Court of Madras.



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