



WEB COPY



W.P.No.37497 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.37497 of 2024
and
WMP No.40526 of 2024

Puja Kumari

... Petitioner

Vs.

1. The Union Of India,
Through its Secretary,
Ministry Of Health And Family Welfare,
Government Of India, Nirman Bhawan ,
New Delhi 110 011
- 2 The President, National Medical Commission,
Pocket 14, Sector 8,
Dwarka Phase 1,
New Delhi 110 077
- 3 The Secretary, Tamil Nadu Medical Council,
914 Poonamallee High Road
Arumbakkam Chennai 600 016
- 4 The Director General
National Investigation Agency,
CGO Complex
Lodhi Road, New Delhi 110 003



W.P.No.37497 of 2024

5 The Dean,
Chettinad Academy Of Research And Education
Rajiv Gandhi Salai, Omr Kelambakkam,
Chengalpattu, Chennai 603 103

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order of Attachment RC/05/2021/NIA/RNC/Attachment/844 dated 18.06.2024 and to quash the same and to direct the respondent No. 4 (National Investigation Agency) to refund the amount of Rs. 1,13,70,500/- (Rupees one core thirteen lakhs seventy thousand and five hundred only) to Respondent No. 5 that was ceased and attached by the NIA , which was originally intended as payment for the petitioner's education .

For Petitioner : Mr. K.S.Shankar Chakrapani

ORDER

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

The writ on hand has been instituted challenging the order of attachment dated 18.06.2024 issued by the National Investigation Agency.

2. The Deputy Superintendent of Police, National Investigation Agency, registered a case in NIA case No.RC-05/2021/NIA/RNC, dated 30.12.2021



W.P.No.37497 of 2024

under Sections, 16, 17, 18, 20, 38, 39 and 40 of Unlawful Activities Prevention Act 1967. During the course of investigation, the Chief Investigating Officer found that Proceeds of Terrorism to an extent of Rs.1,22,70,136/- was generated by CPI (Maoist), a banned terrorist organization , specified under Schedule I of UAP Act, having sourced through terroristic activities has been deposited with the Chettinad Hospital and Research Institute, Chennai, Tamilnadu. Evidences were collected during the course of Investigation. The Chief Investigating Officer, in exercise of the powers conferred under Section 25(1) of UAP Act, issued the impugned order of attachment stating that the said amount is Proceeds of Terrorism in connection with the criminal case registered by the National Investigation Agency.

3. The learned counsel for the petitioner would suit that summon was issued to the petitioner. Therefore, it is for the petitioner to appear before the Investigating Officer and submit his defence with reference to the alleged Proceeds of Terrorism.

4. The impugned order of attachment has been passed under Section 25(1) of UAP Act. Sub Section (2) stipulates that the Investigating Officer shall duly informed the designated authority within 48 hours of the seizure or



W.P.No.37497 of 2024

attachment of such property. Sub Section (3) contemplates that " the designated authority before whom the seized or attached property is produced shall either confirm or revoke the order of seizure or attachment so issued within a period of 60 days from the date of such production : Provided that an opportunity of making a representation by the person, whose property is being seized or attached, shall be given."

5. In this regard, the learned counsel for the petitioner would submit that a representation has already been submitted, if so, it is for the designated authority to consider and take a decision with reference to the order impugned passed under Section 25(1) of UAP Act by the Chief Investigating Officer. However, no writ against such attachment order is entertainable since the Act contemplates remedy before the designated authority.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

Index: Yes/No
Speaking/Non-speaking order



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- 6.The Public Prosecutor,
High Court of Madras.



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AND
M.JOTHIRAMAN, J.

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W.P.No.37497 of 2024

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