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W.P.Nos.33459 to 33462 & 33467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM :

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

W.P.Nos.33459 to 33462 & 33467 of 2023

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government of Tamil Nadu,
Public and Rehabilitation Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Additional Chief Secretary to Government,
Water Resources Department,
Secretariat, Chennai – 600 009.
- 3.The District Collector, Vellore District,
A Block, 2nd Floor,
Collectorate, Vellore – 632 009. ... Petitioners in W.P.No.33459 of 2023

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government of Tamil Nadu,
Public Department,
Namakkal Kavignar Maaligai,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Secretary to Government of Tamil Nadu,
Water Resources Department,
Fort St.George, Chennai – 600 009.
- 3.The District Collector, Trichy District,
Collector District.



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Collector Office,
Tiruchirapalli – 620 001.

... Petitioners in W.P.No.33460 of 2023

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- 1.The State of Tamil Nadu,
Represented by the Secretary to Government of Tamil Nadu,
Public and Rehabilitation Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Additional Chief Secretary to Government,
Water Resources Department,
Secretariat, Chennai – 600 009.
- 3.The District Collector, Vellore District,
1st Floor,
Collectorate, Karur – 639 007 ... Petitioners in W.P.No.33461 of 2023

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government of Tamil Nadu,
Public and Rehabilitation Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Additional Chief Secretary to Government,
Water Resources Department,
Secretariat, Chennai – 600 009.
- 3.The District Collector, Vellore District,
Thanjavur District,
Collectorate,
Thanjavur – 613 010. ... Petitioners in W.P.No.33462 of 2023

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government of Tamil Nadu,
Public and Rehabilitation Department,
Secretariat,
Fort St.George,
Chennai – 600 009.



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2. The Additional Chief Secretary to Government,
Water Resources Department,
Secretariat, Chennai – 600 009.

3. The District Collector, Ariyalur District,
Collector District,
Collectorate,
Jayamkondam Road,
Ariyalur – 621 704.

... Petitioners in W.P.No.33467 of 2023
Vs.

Directorate of Enforcement,
Represented by Assistant Director,
Shastri Bhawan, 3rd Floor, 3rd Block,
B-Wing, No.26, Haddows Road,
Chennai – 600 006.

... Respondents in all Writ Petitions

Prayer in W.P.No.33459 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the Respondent comprised in the Impugned Summon No. PMLA / SUMMON / CEZO2 / 2023 / 743 in F. No ECIR / CEZOII / 22 / 2023 issued to the District collector, Vellore dated 17.11.2023 and quash the same as without jurisdiction illegal arbitrary and unconstitutional.

Prayer in W.P.No.33460 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the Respondent comprised in the Impugned Summon No. PMLA / SUMMON / CEZO2 / 2023 / 746 in F. No ECIR / CEZOII / 22 / 2023 issued to the District collector, Tiruchirapalli, dated 17.11.2023 and quash the same as without jurisdiction illegal arbitrary and unconstitutional.

Prayer in W.P.No.33461 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for



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the records of the Respondent comprised in the Impugned Summon No. PMLA / SUMMON / CEZO2 / 2023 / 744 in F. No ECIR / CEZOII / 22 / 2023 issued to the District collector, Karur dated 17.11.2023 and quash the same as without jurisdiction illegal arbitrary and unconstitutional.

Prayer in W.P.No.33462 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the Respondent comprised in the Impugned Summon No. PMLA / SUMMON / CEZO2 / 2023 / 747 in F. No ECIR / CEZOII / 22 / 2023 issued to the District collector, Thanjavur dated 17.11.2023 and quash the same as without jurisdiction illegal arbitrary and unconstitutional.

Prayer in W.P.No.33467 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the Respondent comprised in the Impugned Summon No. PMLA / SUMMON / CEZO2 / 2023 / 745 in F. No ECIR / CEZOII / 22 / 2023 issued to the District collector, Ariyalur dated 17.11.2023 and quash the same as without jurisdiction illegal arbitrary and unconstitutional.

(In all Writ Petitions)

For Petitioners	: Mr.P.S.Raman Advocate General and Mr.J.Ravindran, Additional Advocate General asst. by Mr.Stalin Abhimanyu Additional Government Pleader
For Respondents	: Mr.Ar.L.Sundaresan Additional Solicitor General, asst. by Mr.N.Ramesh, Special Public Prosecutor (ED)

COMMON ORDER

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

The batch of Writ Petitions have been instituted challenging the summons



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issued by the Competent Authority of the Directorate of Enforcement to the petitioners.

2. An interim stay was granted by this Court. Enforcement Directorate preferred an appeal before the Hon'ble Supreme Court of India. The Apex Court passed an order on 27.08.2024, recording that, vide order dated 02.04.2024, the Apex Court directed the Writ petitioners to personally remain present and appear before the Enforcement Directorate on 25.04.2024. Accordingly, the concerned District Collectors appeared before the competent authority of the Enforcement Directorate and submitted some of the documents. The Apex Court recorded that some of the requisite documents were not produced by them. The matter was adjourned before the Hon'ble Supreme Court of India, to find out the status regarding the production of document by the concerned District Collectors.

3. When the matter was heard by the Apex Court on 06.08.2024, Mr.Kabil Sibal, the learned Senior Counsel appeared on behalf of the Writ Petitioners before the Hon'ble Supreme Court of India, made a submission that the Writ Petitioners shall furnish all the documents available with them, as well as the documents, which all are available on the website, but are not being



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downloaded. Recording the same, the SLPs were disposed of.

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4. The Writ Petitions are listed before this Court on 28.11.2024 and thereafter, it is posted on 29.11.2024 and again directed to be listed today (i.e., 06.12.2024).

5. Mr.P.S.Raman, learned Advocate General appearing on behalf of the Writ Petitioners would state that the concerned District Collectors had already appeared before the Enforcement Directorate and extended their cooperation for conducting investigation. They will continue to cooperate for the purpose of effective investigation, regarding the offence of money laundering under the PMLA. In view of the fact that the concerned District Collectors appeared before the Enforcement Directorate, pursuant to the directions of the Hon'ble Supreme Court of India, the matter became infructuous.

6. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India has no serious objection, regarding the submission made by the learned



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Advocate General that the matter became infructuous.

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7. The adjudication is in progress. The Courts would not entertain any Writ Petition challenging the summons issued under Special enactments. Mere issuance of summons would provide no cause for institution of Writ Proceedings, unless such summons was issued by an incompetent authority, having no jurisdiction or tainted with the allegation of malafides. Even in case of malafide, the Authority against whom such an allegation is raised must be impleaded as party respondent in the Writ Proceedings. In all other circumstances, persons received summons are expected to appear before the Authority and co-operate for effective investigation.

8. In this case, the concerned District Collectors have already appeared before the competent authority and extended their co-operation for effective investigation. That being the case, there is no further adjudication needs to be undertaken on merits and accordingly, all the Writ Petitions stand disposed of as infructuous. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

[S.M.S., J.]

[M.J.R., J.]

06.12.2024

Index: Yes



Speaking order
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To

Directorate of Enforcement,
Represented by Assistant Director,
Shastri Bhawan, 3rd Floor, 3rd Block,
B-Wing, No.26, Haddows Road,
Chennai – 600 006.



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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06.12.2024

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