



W.P.(MD) No.21521 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2024

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.21521 of 2022

and

W.M.P.(MD)No.15655 of 2022

Rekha Jindal

... Petitioner

-Vs-

1.The Joint Director,
Directorate of Enforcement,
Government of India,
Chennai Zonal Office,
Third Floor, 'C' Block,
Murugesan Naicker Complex,
Door No.84, Greams Road,
Chennai-600 006.

2.The Deputy Director,
Directorate of Enforcement,
Government of India,
Chennai Zonal Office,
Third Floor, 'C' Block,
Murugesan Naicker Complex,
Door No.84, Greams Road,
Chennai-600 006.



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3. The Assistant Director,
Directorate of Enforcement,
Government of India, Chennai Zonal Office,
Third Floor, 'C' Block,
Murugesan Naicker Complex,
Door No.84, Greaves Road,
Chennai-600 006.
4. The Adjudicating Authority,
(Under the Prevention of Money Laundering Act, 2002),
Room No.26, Fourth Floor,
Jeevan Deep Building,
Parliament Street,
New Delhi-110 001.
5. The District Registrar,
Madurai South, Madurai.
6. The Joint Sub Registrar No.1,
Madurai South, Madurai.
7. M/s.Oakdale Properties Private Limited,
KRD-GEE-GEE Crystal Unit 6A,
Door No.92, Sixth Floor,
Dr.Radhakrishnan Road,
Mylapore, Chennai-600 004,
Represented by its Director.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned provisional attachment order dated 05.04.2017 passed by the second respondent confirmed by the impugned confirmation order dated 29.08.2017 passed by the fourth respondent and quash the same so far as the subject property in Resurvey No.47/6B2, Solankuruni Village, Madurai South Taluk, Madurai District measuring 0.92.5 Hectares equivalent to 2 Acres 28 Cents is concerned and



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consequently, directing the second respondent to correct the survey number in Serial No.14 of the Schedule-I-immovable properties as Resurvey No.47/6A2 instead of Resurvey No.47/6B2 in the impugned provisional attachment order dated 05.04.2017 and communicate the same to the respondents 5 and 6.

For Petitioner : Mr.J.Barathan
For R1 to R3 : Mr.K.R.Laxman
For R4, R5 & R6 : No Appearance

ORDER

DR.G.JAYACHANDRAN, J.
AND
C.KUMARAPPAN, J.

The case of the petitioner is that the property bearing Resurvey No. 47/2B2, Solankuruni Village, Madurai South Taluk, Madurai District measuring 0.92.5 Hectares equivalent to 2 Acres 28 Cents belongs to her and the seventh respondent, M/s.Oakdale Properties Private Limited, has nothing to do with the property, whereas under the predicate offence registered against the seventh respondent and the consequential registration of proceedings under PMLA Act, the properties of the seventh respondent were attached under the PMLA Act. It is the specific case of the petitioner that the department instead of proceeding with Resurvey No.47/6A2, which stands in the name of the seventh respondent, has wrongly included Resurvey No.47/6B2 owned by the writ petitioner.



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2.The learned counsel for the petitioner relied upon the sale deed of M/s.Oakdale Properties Private Limited dated 18.01.2008, wherein the property in Survey No.47/6B2 measuring 0.26.0 ares been conveyed to M/s.Oakdale Properties Private Limited by its vendor, but the attachment order indicates that Survey No.47/6B2 measuring 0.92.5 Hectares equivalent to 2 Acres 28 Cents, had been included and submitted that the attachment regarding Resurvey No. 47/6B2 is *per se* illegal and therefore, it has to be quashed and the registration authority should be informed about raising of attachment of this particular property.

3.The learned counsel for the respondents 1 to 3 states that the attachment of properties, which were attached consequent to the initiation of proceedings under the PMLA Act, have come to a halt, since the predicate offence got quashed and consequently the appellate authority in applications No.MP-PMLA-10202 to 10211/CHN/2022 (Misc) in FPA-PMLA-1980, 1981, 1989, 1990, 1991, 1993, 1994, 1996 and 1997/CHN/2017 had quashed the proceedings initiated under the PMLA Act, as a consequence, interim attachment of the properties of the accused persons had been released and therefore the case of the petitioner by claiming that his property, which has been wrongly included in the list of properties to be attached, has to be deleted, has become infructuous.



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4.The learned counsel for the department would fairly submit that C.C.No.7 of 2008, which was filed on the predicate offence against M/s.Oakdale Properties Private Limited, itself been quashed by this Court in a batch of Criminal Original Petitions filed under Section 482 of Criminal Procedure Code and subsequently that order also was confirmed by the Hon'ble Supreme Court, when the department has filed Special Leave Petition. Subsequently, the Division Bench of this Court in Crl.O.P.No.2279 of 2019 dated 12.09.2022, while quashing C.C.No.7 of 2018 has observed that the proceedings initiated by the Enforcement Directorate under PMLA Act is quashed in its entirety, in other words, the attachment proceedings had also been quashed and this has been reconfirmed and reiterated by the appellate tribunal vide its order dated 22.05.2023.

5.A short point involved in this writ petition is that M/s.Oakdale Properties Private Limited and its Directorates fall under the scanner of Enforcement Directorate, after a criminal case got registered against them for the offence under Section 420 IPC, Section 4, 5 and 6 of the Prize Chit and Money Circulation Banning Act, 1978 r/w 120 B IPC. The persons involved in the prize chits and money circulation were all arrayed as accused and on completion of investigation, final report was filed and the same was taken on file by the respective Metropolitan Magistrate (Sub Sessions Court, Egmore, Chennai). After



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filing the final report, the Enforcement Directorate found that the offence alleged to have been committed also attracts the provisions of Prevention of Money Laundering Act (hereinafter referred to as 'PMLA Act' for the sake of brevity) and therefore, the case was registered under PMLA Act against the persons, who were managing M/s.Oakdale Properties Private Limited and its sister concerns. This case was taken on file in C.C.No.7 of 2018 on the file of the Special Court constituted under PMLA Act.

6.The Enforcement Directorate also thought fit to invoke the provisions of interim attachment as contemplated under the PMLA Act and the properties of Ms/Oakdale Properties Private Limited came to be attached. While so, the writ petitioner herein claiming that her property, which falls under Resurvey No. 47/6B2 had been wrongly attached. Therefore, the petitioner has filed this writ petition seeking to quash the provisional attachment order dated 05.04.2017 and to correct the survey number in the impugned provisional attachment order.

7. As stated by the learned counsel for the respondents 1 to 3 since the entire proceedings initiated against the seventh respondent has been quashed, both predicate offence as well as the offence under PMLA Act, this Court is of the view that the relief as prayed for in the writ petition has become infructuous and the



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error of including the property of the petitioner in the attachment proceedings herein has to be rectified. However, it is necessary that the entry, if any made by the Sub Registrar, who is the sixth respondent in this writ petition regarding attachment of property bearing Resurvey No.47/6B2, has to be deleted.

8. Accordingly, the sub registrar/sixth respondent is directed to delete any entry in respect of Resurvey No.47/6B2, which were made pursuant to the proceedings of the Enforcement Directorate.

9. Accordingly, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

[G.J.J.] & [C.K.J.]
19.02.2024

NCC : Yes / No
Index : Yes / No
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