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W.P.No.1906 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.1906 of 2025

Mr.M G Singharavel

... Petitioner

Vs.

1.Director,
Directorate of Enforcement,
Pravartan Bhawan, APJ Abdul,
Klam Road, New Delhi – 110 001.

2.Joint Director,
Directorate of Enforcement,
Hyderabad Zonal Office,
3rd Floor, Shankar Bhawan,
Fateh Maiden Road,
Hyderabad 500 004.

3.Joint Director,
Chennai Zonal Office-I,
No.2, 5th and 6th Floor,
BSNL Administrative Building,
Kushkumar Road,
Nungambakkam, 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 and 2nd respondents to furnish the order in which the properties of the petitioner are attached, and necessary documents such as petition, written statements, affidavits, documents, evidences and other documents of the case investigated by 2nd respondent vide case number F.No:ECIR/19/HYZO/2017 – dated 22.11.2017 for the petitioner properties.

For Petitioner	: Mr.G.Sanjay For M/s.D.R.Law Chambers
For Respondents	: Mr.N.Ramesh Special Public Prosecutor [For Enforcement Directorate]

ORDER

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

The writ of mandamus has been instituted to direct the respondents to furnish the order in which the properties of the petitioner are attached, and necessary documents such as petition, written statements, affidavits, documents, evidences and other documents of the case investigated by the 2nd respondent vide case number F.No:ECIR/19/HYZO/2017, dated 22.11.2017 for the petitioner properties.



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2. It is not in dispute that the proceedings are initiated against the petitioner under the provisions of Prevention of Money Laundering Act (PMLA), 2002. The Enforcement Case Information Report (ECIR) has been registered by the Enforcement Directorate at Hyderabad.

3. Further, it is not in dispute that the predicate offence has been registered by the Hyderabad Police. More specifically, criminal cases were registered against the petitioner by Chittoor Police under different Police Stations for the alleged offence of illegal felling and smuggling of red sanders woods along with illegal procurement of Arms and Ammunitions.

4. Since the predicate offence has been registered in the State of Andhra Pradesh and the Enforcement Directorate at Hyderabad launched the investigation under PMLA, the present writ petition filed before this Court is not maintainable.

5. With reference to the grievances of the petitioner, the learned Special Public Prosecutor appearing on behalf of the respondents would



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submit that no final orders has been passed by the Adjudicating Authority attaching the property. The communication dated 26.05.2022, addressed to the Inspector General of Registration, Chennai was issued, requesting to furnish the details of the properties of various persons along with the identified 8 properties and requested not to initiate construction for a period of six months. The said period of six months had already been expired.

6. Regarding jurisdiction, the learned Special Public Prosecutor would rely on the judgement of the Division Bench of this Court in the case of *A John Kennedy and Others vs. Joint Director, Directorate of Enforcement*¹, wherein the issue regarding maintainability was decided by this Court. The issues raised are as under:

“(b)

(i)

(ii) Whether this Court has jurisdiction to entertain these writ petitions on the ground that the properties of the petitioners, which are subjected to attachment under the PAO, are situated within the State of Tamil Nadu?”

1. 2020 SCC Online Mad 28044



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7. With reference to the said issue, the Division Bench held as follows:

“15. Since the question of jurisdiction of this Court to deal with the matter has also been raised now, as submitted above by the learned Senior Counsels appearing for the petitioners, we are of the opinion that it is appropriate for this Court to answer the issue as to whether the petitioners are justified in approaching this Court-It is true that small fraction of cause of action had arisen within the jurisdiction of this Court, however, it is not sufficient to maintain these writ petitions before this Court-It is to be observed that only a minuscule cause of action arose within the jurisdiction of this Court, but a larger and substantial part of cause of action had arisen within the State of Kerala, where most of the occurrence alleged to have been committed by the petitioners, took place. While so, we are of the opinion that merely because the properties, which are subjected to attachment under the PAO, are situated within the State of Tamil Nadu, it is grossly insufficient to maintain these writ petitions before this Court-When a small fraction of cause of action arose within the jurisdiction of a Court and a larger or substantial cause of action arose within the jurisdiction of



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another Court, the latter will prevail over the former-Therefore, we are of the opinion that a substantial cause of action for resorting to a legal action for the petitioners arose within the State of Kerala and this Court is not inclined to usurp such jurisdiction and to entertain these writ petitions.

22. On the whole, we are of the considered view that, first of all, the Writ Petitions are not maintainable before this Court, when there is an efficacious alternative remedy available for the petitioners to approach the concerned authority under the PMLA; secondly, only a small fraction of cause of action had arisen before this Court and the larger and substantial part of cause of action had arisen only in the State of Kerala, where the FIRs have been registered and the trial is pending before the Special Court at Kerala. Therefore, this Court is not the appropriate Court to entertain the present Writ Petitions. Hence, on these two grounds, the present Writ Petitions are liable to be dismissed.”

8. It is brought to the notice of this Court some of the properties alone situate in the State of Tamil Nadu, which would not provide a cause to challenge the proceedings issued by the Enforcement Directorate at



Hyderabad.

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9. Therefore, the writ petition has been instituted without any cause, more specifically, before the wrong Forum. This Court has no jurisdiction to entertain the writ petition and thus, the present writ petition stands dismissed.

No costs.

[S.M.S., J.] [M.J.R., J.]
27.01.2025

Index : Yes
Speaking order
Neutral Citation : Yes

Jeni

To

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