



W.P(MD) No.24270 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD) No.24270 of 2018
and
WMP(MD) Nos.21950,21951 and 21952 of 2018

M.A.Palanisamy

... Petitioner

-vs-

1. The Adjudicating Authority
Prevention of Money Laundering Act,
Room No.26, 4th Floor,
Jeevan Deep Building,
Parliament Street,
New Delhi- 110 001.

2. The Deputy Director/ Authorized Officer
Director of Enforcement,
Chennai Zonal Officer-1,
Chennai

..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 order passed by the second respondent in proceedings dated 25.04.2018 in F.No.ECIR/CEZO/03/PMLA/2014 and quash the



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same to the extent of deprivation of physical possession of the agricultural lands which is the subject matter of the impugned order cited as serial No.164 and consequently direct the respondents herein to allow the petitioner to continue exercising his cultivating tenancy right protected under Tamil Nadu Cultivating Tenants Act, 1955 in the aforementioned agricultural land.

For Petitioner : Mr.S.Saravanan, Senior Counsel
for Mr.D.Kirubakaran

For Respondents : Mr.K.R.Laxman

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

The prayer in the petition is to call for the records relating to the impugned order passed by the second respondent in proceedings dated 25.04.2018 in F.No.ECIR/CEZO/03/PMLA/2014 and quash the same to the extent of deprivation of physical possession of the agricultural lands which is the subject matter of the impugned order cited as serial No.164 and consequently direct the respondents herein to allow the petitioner to continue exercising his cultivating tenancy right protected under Tamil Nadu Cultivating Tenants Act, 1955 in the aforementioned agricultural land.



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2. The petitioner claims to be the cultivating tenant under the made over agreement deed dated 24.01.2011 in respect of the property comprised in S.No.10/2 and 14/2 new survey No.10/2A and 10/22D and 14/2C ad-measuring 1.50 acres out of 55 ½ acres situated in Elanthaikulam Village, Madurai North Taluk, Madurai. The subject property was owned by C.Rabeek Raja, S/o.V.R.Chellakkannu Rowther and it is subjected for attachment by the second respondent in pursuant to the registration of the case under the Prevention of Money Laundering Act under Sub Section 4(8) of Prevention of Money Laundering Act for taking possession, which is under challenge before this Court. In so far as physical possession of the property which is made over in favour of the petitioner herein by one Manikandan, S/o. Ramuambalam and Meenal, by made over agreement dated 24.04.2011, it is curious to note that Manikandan, S/o. Ramuambalam and Meenal is not the original owner of the property and the deed does not speak how he arrived title over the property made over in favour of the petitioner. However, the attachment order is challenged in so far as taking physical possession alone. Both the petitioner as well as the respondents are not able to represent before the Court as to who is in



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possession of the property, what is the nature of property and whether it is cultivated or not. Therefore, this Court by an order dated 19.02.2026, appointed an Advocate Commissioner to identify the subject property to find out who is in possession of the property, nature of property and whether the property is cultivated or not with the help of the jurisdictional Taluk Surveyor. Accordingly, the Advocate Commissioner inspected the subject property with the help of Taluk Surveyor and submitted a report, which is as follows:

“9. It is respectfully submitted that in respect of Survey Nos. 10/2D in which 0.97 Ares equivalent to 2 Acres 39,50 Cents and 14/2C to an extent of 0.34.50 Ares equivalent to 85.21 Cents in total 3 Acres 24.71 Cents which was fully fenced and contained thorny bushes inside and there is no cultivation inside and we are unable to enter into the said land, however we fully inspected the said land by all sides by surrounding that place and it is found with thorny bushes and trees inside and there is no cultivation is carried out and there is a display board installed in survey No.14/2C, but due to its old and dilapidated condition, we could not see the content and the said board is not in a readable position and the 2nd respondent claimed that the board is installed by them.

10. It is respectfully submitted that this Hon'ble Court directed me to inspect the subject property and find out the possession of the property, nature of the property and whether the property is under



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cultivation or not. As per the inspection conducted me in the presence of the petitioner's son and his counsel, respondent counsel and also concerned officials I came to know that;

A. So far as the possession and nature of the property are concerned, Survey Nos. 10/2D and 14/2C are fully fenced, a board has been erected by the 2nd Respondent, and the said lands are completely covered with thorny bushes and trees and there is no cultivation within the above said two subdivisions and In respect of Survey No. 10/2A, the said land is in the possession of one Mrs. Easwari, W/o. Raju, who is carrying on agricultural activities therein claiming herself as a cultivating tenant”.

3. Thus, it is clear that neither the petitioner nor the respondent are in possession of the subject property. The third party one Easwari, W/o.Raju is in possession and enjoyment of a small portion of the property comprised in S.No.10/2D to an extent of 30.87 by putting up a small hut and cultivating some plants like banana and guava. Therefore, the challenge of attachment order in so far as physical possession of the subject property does not arise. In view of provision under Section 8(5) of Prevention of Money Laundering Act, the respondents ought to have dealt with the subject property under the Prevention of Money Laundering Act.



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4. Therefore, the trial Court is directed to complete the trial in C.C.No.9 of 2018 pending on the file of the learned II Additional District Judge for CBI Cases, Madurai within a period of six months as against the accused and subject to the result of the criminal trial the second respondent is directed to proceed with further action.

5. With the above direction the Writ Petition stands disposed of.
No costs. Consequently connected miscellaneous petitions stand closed.

[G.K.I., J.] [R.P., J.]
24.02.2026

Internet : Yes/No
NCC: Yes/No
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To:

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Madurai



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