

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.5.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.DHANAPALAN

W.P.Nos.15305 and 15306 of 2015
and MP.Nos. 1 and 2 of 2015

Dr.P.Vijayan .. Petitioner in WP.No.15305/2015

Smt.V.Anitha .. Petitioner in WP.No.15306/2015

vs.

1. Adjudicating Authority
under the Prevention of Money Laundering Act, 2002
Rep.by its Registrar / Administrative Officer
Room No.26, 4th floor
Jeevan Deep building
Parliament Street, New Delhi

2. The Joint Director
Director of Enforcement
Chennai Zonal Office
3rd floor, C - Block
Murugesu Naicker Complex
No.84, Greaves Road,
Thousand Lights, Chennai -6 .. Respondents in both petitions

Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in OC No.425/2015 dated 30.03.2015 and quash the same and forbear the Respondents from proceeding further U/s.8 of the Prevention of the Money Laundering Act 2002 against the Petitioners.

For Petitioners : Mr.K.Doraisami, Senior Counsel for
in both petitions M/s. Muthumani Doraisami

For Respondent : Mr.G.Rajagopalan
in both petitions Additional Solicitor General
for Mr.G.Venkatesan
Central Government Standing Counsel

C O M M O N O R D E R

Heard Mr.K.Doraisamy, learned Senior counsel for the petitioners and Mr.G.Rajagopalan, learned Additional Solicitor General of India for the respondents.

2. The petitioners have filed the above writ petitions questioning the proceedings of the Adjudicating Authority dated 30.3.2015 and for a direction to the respondents not to take further proceedings under Section 8 of the Prevention of the Money Laundering Act, 2002 against them.

3. According to the petitioners, they have been falsely implicated in a case registered by CBI in Crime No.RCMA 12011 A0003 for the alleged offence under sections 13(2) r/w 13(1)(e) of P.C.Act. After completing the investigation, final report has been filed and the same has been taken on file before the learned XII Additional Special Judge for CBI Cases at Chennai in C.C.No.19 of 2014. The petitioners filed the discharge petitions and the same were dismissed on 6.5.2015. In view of the points raised in the discharge petition, proceedings under the provisions of the Prevention of Money Laundering Act, 2002 have been initiated against the petitioners. The second respondent has issued provisional attachment order dated 12.3.2015. The petitioners have filed a Writ Petition No.8831 of 2015 challenging the said attachment order. In the mean time, the second respondent has launched a complaint to the first respondent/adjudicating authority under section 5(b) of the Act. The first respondent has issued the impugned order dated 30.3.2015, directing the petitioners to appear for enquiry on 25.5.2015. Challenging the aforesaid order, the Writ Petition has been filed with the aforesaid prayer.

4. Though the petitioners sought for an adjournment before the adjudicating authority/first respondent on 25.5.2015 on the ground that W.P.No.8831 of 2015 is pending before this Court, the same was rejected and the orders were reserved by the first respondent. Apprehending that there may be a finality in the proceedings, the petitioners have come up with the above writ petitions with the aforesaid prayer.

5. Today when the matters are taken up for hearing, the learned Additional Solicitor General of India would inform that the final order has been passed on 26.5.2015 by the Adjudicating Authority.

6. On noticing the above submission made by the learned Additional solicitor General of India, the learned Senior Counsel for the petitioners submitted that the petitioners may be granted liberty to challenge the final order dated 26.5.2015 passed by the Adjudicating Authority.

7. Recording the submissions made by the learned Additional Solicitor General of India, these writ petitions are closed with liberty to the petitioners to challenge the order dated 26.5.2015 passed by the Adjudicating authority in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer

/true copy/

Sub Asst. Registrar

ga/ajr

To

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2 ccs to M/s. Venkataswamy Babu, Advocate, Sr. 25590, 25589
2 ccs to M/s. Muthumani Doraisami, Advocate, Sr. 25586

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