

GAHC010227502023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/312/2023

THE DIRECTORATE OF ENFORCEMENT
REP. BY SRI JAYANT CHOUDHARY
AGED ABOUT 31 YEARS
S/O RAM KUMAR SINGH
ASST. DIRECTOR
GOVT. OF INDIA
MINISTRY OF FINANCE DEPTT. OF REVENUE
3RD FLOOR
SHAKAR BHWAN BASHEER BAGH
HYDERABAD
PIN- 500004.

VERSUS

ZORAMTHARI AND 4 ORS.
PROPRIETOR OF M/S THARI ENTERPRISES
R/O H. NO. KB 04/B
H. LALTHANGA BUILDING
LUNGLEI ROAD
BAWNGKAWN
AIZAWL
MIZORAM- 796014.

2:MIZORAM RURAL BANK
THROUGH ITS BRANCH MANAGER THUAMPUI BRANCH
OPPOSITE AMC OFFICE
AIZAWL
MIZORAM.
3:INDUSIND BANK
THROUGH BRANCH MANAGER
1ST FLOOR
PACHHUNGA AND SONS BUILDING

CHANMARI
AIZAWL
MIZORAM- 796007.
4:IDBI BANK
THROUGH ITS BRANCH MANAGER
LALTHUAMA BUILDING
E-16
CHANMARI- RAMHLUN RD
AIZAWL
MIZORAM- 796007.
5:HDFC BANK
THROUGH BRANCH MANAGER
BAWNGKAWN BRANCH
GROUND FLOOR
NEAR TRAFFIC POINT
BAWNGKAWN
AIZAWL- 796014
MIZORAM.

Advocate for : MR. R DHAR
Advocate for : FOR CAVEATOR appearing for ZORAMTHARI AND 4 ORS.

BEFORE

HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR

HON'BLE MR. JUSTICE KAKHETO SEMA

ORDER

30.11.2023

(L.S. Jamir, C.J(Acting))

Heard Mr. R. Dhar, learned retainer counsel for the Enforcement Department as well as Mr. Barun Garg, learned counsel appearing on behalf of the respondent No.1/writ petitioner.

2. This intra-Court writ appeal arises from the judgment and order dated 27th of April, 2023, passed by the learned Single Bench of this Court in WP(Crl) No. 4 of 2023. The writ petition was filed by the petitioner for quashing of freezing orders dated 09.02.2022 and 10.02.2022 by the Department of Enforcement as well as the confirmation order dated 22.08.2022 passed by Adjudicating Authority under the prevention of Money Laundering Act, 2002 (Act of 2002).

3. A Division Bench of this Court in Writ Appeal No. 370 of 2023, while considering a matter similar to the present case in hand by an order dated 04.10.2023 dismissed the said appeal and the relevant portion reads as under:

“6. Having regard to the discussion made herein above, we are of the firm view that an intra-Court writ appeal does not lie against an order/ judgment passed by the learned Single Bench in exercise of the criminal writ jurisdiction under Article 226 of the Constitution of India. As the Gauhati High Court Rules are silent on this issue, the anomaly shall forthwith be clarified with appropriate insertion in the Rules clarifying the position that no intra-Court appeal lies against an order/judgment passed by the learned Single Bench in exercise of the criminal writ jurisdiction.

7. As a result, the intra-Court writ appeal preferred by the appellant herein against the judgment dated 08.06.2023 passed by the learned Single Judge in WP(Crl.) No.5/2023 is hereby dismissed as being not maintainable.”

4. The learned counsel for the respondents submits that the present appeal is squarely covered by the order dated 04th of October, 2023, passed by the Division Bench of this Court in WA/370/2023.

5. Mr. R. Dhar, learned retainer counsel for the Enforcement Department/appellant also submits that the present appeal is covered by the said order dated 04.10.2023.

6. Accordingly, following the ratio laid down by the Division Bench of this Court in Writ Appeal No. 370/2023, we hold that the intra-Court writ appeal does not lie against an order/judgment passed by the learned Single Bench in exercise of the criminal writ jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, this writ appeal is dismissed.

Interim order if any stands vacated.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant