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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17-07-2026

PRONOUNCED ON : 23-11-2026

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR. JUSTICE P.VADAMALAI

WA(MD)Nos.230, 283, 288 to 293 OF 2019
and
CMP(MD)Nos.1877, 1878, 1960, 2338, 2363, 2364, 2365, 2366, 2367 & 2368 of 2019

P.Rajasekaran,
S/o.Pitchai, D.No.10, 1st Street, Deputy Collector
Colony, K.K.Nagar, Madurai-635 020.

..Petitioner(s)

Vs

1. The Deputy Director,
   Directorate Of Enforcement, Chennai Zonal
   Office, 3rd Block, Murugesa Naicker Complex,
   84, Greams Road, Chennai-600 006.

2. The Registrar/administrative
   Officer, The Adjudicating Authority (pmla)
   Room No.26, 4th Floor, Jeevan Deep Building,
   Parliament Street, New Delhi-110 001.

3. Shri.Thushar V Shah,honourable
   Member(law) Adjudicating Authority (pmla)
   Room No.26, 4th Floor, Jeevan Deep Building,
   Parliament Street, New Delhi-110 001.

4. Ms.N.Ananthie,deputy Director
   Directorate Of Enforcement Govt. Of India, 3rd
   Floor, C Block, Murugesa Naicker Complex,
   No.84, Greams Road, Thousand Lights,
   Chennai-06.

..Respondent(s)

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WA(MD) No. 283 of 2019

G.Gopalakrishnan
S/o.Gandhi, Proprietor, M/s.G.G.Granites, No.588,
K.K.Nagar, Madurai-20

..Petitioner (s)

Vs

1. The Deputy Director
   Directorate Of Enforcement, Chennai Zonal
   Office, 3rd Block, Murugesa Naicker Complex,
   84, Greams Road, Chennai-600 006

2. The Adjudicating Authority
   (pmla), Room No.26, 4th Floor, Jeevan Deep
   Building, Parliament Street, New Delhi-110 001

..Respondent(s)

WA(MD) No. 288 of 2019

K.Balakrishnan
S/o.Karuppanan, Door No.1/33b, North St,
Surakkundu, Melur, Madurai Dt

..Petitioner (s)

Vs

1. The Deputy Director
   Directorate Of Enforcement, Chennai Zonal
   Office, 3rd Block Murugesa Naicker Complex,
   84, Greams Road, Chennai-600 006

2. Registrar/administrative
   Officer, The Adjudicating Authority (pmla),
   Room No.26, 4th Floor, Jeevan Deep Building,
   Parliament St, New Delhi-11 0001

..Respondent(s)

WA(MD) No. 289 of 2019

C.Periyakaruppan
S/o.R.Chokkalingam, Door No.50/9/1, Mariappan
Building, Gandhi Nagar, First St, Melur,

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..Petitioner (s)

Vs

1. The Deputy Director
   Directorate Of Enforcement, Chennai Zonal
   Office, 3rd Block Murugesa Naicker Complex,
   84, Greams Road, Chennai-600 006

2. Registrar/administrative
   Officer, The Adjudicating Authority (pmla),
   Room No.26, 4th Floor, Jeevan Deep Building,
   Parliament St, New Delhi-11 0001

..Respondent(s)

WA(MD) No. 290 of 2019

P.T.Subbiah
S/o.Thazhaiyan, 4/36a, Chinna Surakkundu, Melur Tk, Madurai Dt

..Petitioner (s)

Vs

1. The Deputy Director
   Directorate Of Enforcement, Chennai Zonal
   Office, 3rd Block Murugesa Naicker Complex,
   84, Greams Road, Chennai-600 006

2. Registrar/administrative
   Officer, The Adjudicating Authority (pmla),
   Room No.26, 4th Floor, Jeevan Deep Building,
   Parliament St, New Delhi-11 0001

..Respondent(s)

WA(MD) No. 291 of 2019

P.Sonai
S/o.C.Periyakaruppan, No.2d26/10, Gandhi Nagar 2nd St, Melur, Madurai Dt

..Petitioner (s)

Vs

1. The Deputy Director
   Directorate Of Enforcement, Chennai Zonal
   Office, 3rd Block Murugesa Naicker Complex,

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84, Greams Road, Chennai-600 006

2. Registrar/administrative
Officer, The Adjudicating Authority (pmla),
Room No.26, 4th Floor, Jeevan Deep Building,
Parliament St, New Delhi-11 0001

..Respondent(s)

WA(MD) No. 292 of 2019

B.Arun
S/o.K.Balakrishnan, 1/90, Surakkundu, Melur Tk,
Madurai Dt

..Petitioner (s)

Vs

1. The Deputy Director
Directorate Of Enforcement, Chennai Zonal
Office, 3rd Block Murugesa Naicker Complex,
84, Greams Road, Chennai-600 006

2. Registrar/administrative
Officer, The Adjudicating Authority (pmla),
Room No.26, 4th Floor, Jeevan Deep Building,
Parliament St, New Delhi-11 0001

..Respondent(s)

WA(MD) No. 293 of 2019

S.Prabhakaran
S/o.P.T.Subbiah, 4/36a, China Surakkundu, Melur
Tk, Madurai Dt

..Petitioner (s)

Vs

1. The Deputy Director
Directorate Of Enforcement, Chennai Zonal
Office, 3rd Block Murugesa Naicker Complex,
84, Greams Road, Chennai-600 006

2. Registrar/administrative

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Officer, The Adjudicating Authority (pmla),
Room No.26, 4th Floor, Jeevan Deep Building,
Parliament St, New Delhi-11 0001

..Respondent(s)

For Appellants
in WA(MD)No.230 of 2019 :Mr.P.Wilson, Senior Counsel
for M/s.P.Wilson Associates

For Appellants
in WA(MD)Nos.283,
288 to 293 of 2019 : Mr.P.Wilson, Senior Counsel
for Mr.S.Sankarapandian

For Respondents : Mr.K.R.Laxman
for R-1 & R-2
in all WAs

Mr.R.Vijaya Rajan for R-4

Mr.G.Jeyasingh for R-3
in W.A.(MD)No.230 of 2019

COMMON JUDGEMENT

(By G.R. SWAMINATHAN J.)

The unsuccessful writ petitioners are the appellants before us. Vide order dated 26.03.2018, the Deputy Director of Directorate of Enforcement, Government of India, Chennai, provisionally attached the petition mentioned properties by invoking his power under sub-section (1) of Section 5 of the Prevention of Money Laundering Act. This was followed by lodging of complaints under sub-Section 5 of Section 5 of the Act before the adjudicating authority. The adjudicating authority

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thereafter issued show-cause notices dated 10.05.2018 calling upon the writ petitioners herein to show cause as to why the attachments provisionally made should not be confirmed under Section 8(3) of the Act. Challenging the provisional attachment orders as well as the complaints and the consequential show cause notices, the appellants herein filed WP(MD)No.11454, 14860, 14894 to 14898 of 2018. The learned Single Judge vide order dated 03.01.2019 dismissed the writ petitions as not maintainable. Aggrieved by the same, these writ appeals have been filed.

2. Heard the learned Senior Counsel for the appellants and the learned counsel appearing for the respondents.

3. The contentions advanced by the appellants' Senior Counsel can be summed up in the following terms :

i) The present writ Petitions are maintainable under Article 226 of the Constitution despite the availability of an alternate statutory remedy, as the impugned proceedings are vitiated by gross violation of the principles of natural justice impinging upon the fundamental right to property under Article 300A.

ii) The authorised officer failed to independently record the

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"reasons to believe" as mandated by Section 5(1) of the Act. It was further argued that the attachment orders are mere voluminous and mechanical reproduction of the police charge-sheet and that the extraction of documents cannot substitute the mandatory requirement of qualitative reasoning.

iii) The show cause notices issued by the adjudicating authority under Section 8(1) of the Act is not reasoned because they do not record the adjudicating authority's subjective satisfaction.

iv) The show cause notices issued by the adjudicating authority under Section 8(1) of the Act are devoid of application of mind.

v) Since the complaints are a replica of the orders of provisional attachment, they are also liable to be quashed for the very same reason.

vi) The show cause notice issued by the adjudicating authority under Section 8(1) is hit by coram non-judice under Section 6 of the Act.

vii) The 26 attached properties were acquired between 1997 and 2011, long before the alleged period of illegal quarrying (January 2011 to August 2012), and can hence not fall within the definition of "proceeds of crime" under Section 2(1)(u) of the PMLA.

viii) The provisional attachment orders under Section 5(1) rely heavily on the Mohandoss Committee Report which the State Government discarded. The Sagayam Report could not have been relied

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upon because its findings are sub judice before a Division Bench of this Court.

ix) The offence of illegal quarrying is not a scheduled offence under the PMLA.

x) The documents relied on by the adjudicating authority are in vernacular language and there is no endorsement to show that they were duly translated.

xi) Since the jurisdictional facts were absent, the impugned orders are rather very much amenable to challenge in writ jurisdiction and the learned Single Judge erred in dismissing them on the ground of non-exhausion of alternative remedy.

4. Per contra, the learned counsel for the respondents submitted that the impugned order is well reasoned and that it does not call for interference.

5. We carefully considered the rival contentions and went through the materials on record. The arguments with regard to non-translation of some of the documents which are in vernacular is a low-hanging fruit. The adjudicating authority can issue notice under Section 8(1) of the Act if he has reason to believe that the noticee has committed an offence

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under Section 3 or is in possession of proceeds of crime. Such a belief can be formed by perusing the contents of the complaint and the provisional attachment order. There is no need for the authority to go through all the foundational documents at this stage. Gone are the days when translation was a laborious and long process. Thanks to emerging technology, it can be done in no time. Of course, we have come across some hilarious instances. A talk on decolonising Indian judiciary was given by Mr.Justice Syed Abdul Nazeer. His Lordship had employed the expression "mad dog" while explaining some principle. This was translated as "**பைத்தியக்கார நாய்**" by AI. Any person with a minimal acquaintance with Tamil would call such a dog as "**வெறி நாய்**". N.Kalyan Raman of 'One Part Woman' fame and Priyamvadha and Suchitra Ramachandran who have admirably translated Jeyamohan's works can never go out of business. However, AI can fulfill the immediate needs of a bureaucrat. Although, it can never satisfy the aesthetic needs of a discerning reader.

6. In any event, all official acts are presumed to be done regularly. No material has been placed to rebut this presumption in this case. We can very well presume that the adjudicating authority did have an understanding of those documents that are part of the record which are in

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Tamil. We, therefore, reject the submission that the impugned show cause notices were issued without the benefit of translation of the documents that are in Tamil.

7. There is no merit in the submission that illegal quarrying is not a scheduled offence. True. But some of the other offences set out in the FIR are scheduled offences. Even if one offence is scheduled, it can trigger action under the PMLA. It is not necessary that all the offences with which the noticee is accused of must be scheduled offences.

8. The next question that calls for consideration is whether the provisional attachment meets the criteria set out in Section 5(1) of PMLA. It reads as follows:-

> *"**5. Attachment of property involved in money-laundering.—** [(1)Where the Director or any other officer not below the rank of Deputy Director authorised by the Director for the purposes of this section, has reason to believe (the reason for such belief to be recorded in writing), on the basis of material in his possession, that—*
>
> *(a) any person is in possession of any proceeds of crime; and*
>
> *(b) such proceeds of crime are likely to be concealed, transferred or dealt with in any manner*

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which may result in frustrating any proceedings relating to confiscation of such proceeds of crime under this Chapter, ..."

The orders provisionally attaching the properties were passed by the Deputy Director, Directorate of Enforcement. His competence to issue these orders cannot be questioned. The orders are based on the FIR, Final Report, Evaluation Reports and ECIR. Only after going through all these materials and statements of the accused under Section 50(3) of the Act, the authority had reason to believe that illegal quarrying had taken place and that the noticees were in possession of the proceeds of crime.

9. The expression "reason to believe" was considered in ***M/s Phool Chand Bajrang Lal v. Income Tax Officer*** **AIR 1993 SC 2390,** and it was held that a writ Court merely needs to examine whether there was any material available on the record from which the requisite belief could be formed and whether that material had any rational connection or a live link for the formation of the requisite belief. The authority in this case, had recorded the reasons for entertaining such belief.

10. An incidental question of interpretation now arises before us. Whether it is necessary that the aforesaid requirement of "reason to believe" would apply to both (a) and (b) occurring in sub-Section 1 of

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Section 5. We hold that once the standard is met with regard to (a), like a calf following the cow, it is deemed to have been fulfilled in respect of (b) also. There are good reasons for our stand. Any person possessing the proceeds of crime would conceal or transfer or deal with them. This is a natural conduct. Even if he does not do any of them, it means that he is projecting them as if they are untainted. The definition of term "proceeds of crime" has been so exhaustively defined under Section 3 that whatever the possessor does or does not will fall within its definitional sweep. We are only reminded of the boon which Hiranyakashibu asked of the Lord. He tried to be comprehensive and exhaustive. But still the Lord found a loophole. Maybe some ingenious mind would find some missing element in Section 3. But as of now, we are unable to find any. In our view, the authority cannot be expected to spell out the reasons which lead him to form the belief that the proceeds of crime are likely to be concealed or transferred or dealt with in any manner which may result in frustrating the confiscation proceedings. That would be asking for the moon. Section 5(1)(a) and 5(1)(b) of the Act are no doubt joined by the conjunction "and". The formation of belief that the noticee is in possession of any proceeds of crime has to be necessarily be formed on the basis of the material in possession of the authority. This requirement that there should be material basis for forming such belief will extend

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only to (a). The requirement that there should be basis for forming the opinion that the proceeds of crime are likely to be concealed or transferred or dealt with in any manner so as to frustrate the confiscation proceedings stands fulfilled once the requisite belief is entertained with regard to (a). The authority has categorically stated that non-attachment of the petition mentioned properties would lead to frustration of the confiscation proceedings. In our view, this recital in the impugned order is more than sufficient to fulfil the criteria set out in Section 5(1) of the Act.

11. A provisional attachment order under Section 5(1) of the PMLA does not stand vitiated merely because the authorised officer, having recorded valid reasons under clause (a) that a person p**o**ssesses proceeds of crime, has not recorded a separate set of re**a**sons under clause (b). Though clauses (a) and (b) are joined by the word "and", Section 5(1) cannot be read in isolation from how the Hon'ble Supreme Court construed Section 3 of the very same enactment in ***Vijay Madanlal Choudhary v. UOI (2023) 12 SCC 1*****.** Dealing with the conjunction "and" in Section 3, the Hon'ble Court held in Paragraphs 133 and 134 that "and" must be read purpos*i*vely as "or" to give full play to the legislative intent. It was opined that the offence of money-laundering is an independent offence regarding the process or activity connected with the

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proceeds of crime as much as projecting it as untainted property or claiming it so. Therefore, involvement in any one of such processes or activity connected with the proceeds of crime would constitute the offence of money-laundering. It was further observed that where one statutory limb logically presupposes another, a rigid conjunctive reading frustrates the provision in question. The expression "and" does render its conjunctive function in the context of Section 5(1). "and" occurring between (a) and (b) will not become 'or'. But the requirement preceding (a), if satisfied for (a), is deemed to be satisfied for (b) also.

12. We have taken a purposive approach. Chapter III, which houses Section 5, operates in direct aid of Chapter II to prevent money-laundering and preserve tainted assets for confiscation. The preventive threshold under Section 5(1) cannot therefore be set higher than the substantive offence under Section 3. Since bare possession of proceeds of crime is itself an active and continuing form of money-laundering standing on par with concealment, that alone is sufficient for Section 5(1) to kick in. Otherwise, an officer would be compelled to wait until the tainted property is visibly in the process of being transferred or layered, by which time confiscation proceedings could already stand defeated. There is no point in locking the stable after the bolting of the horses.

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13. We agree with the learned Single Judge's view that the writ petitions are not maintainable. In ***The Special Director and Anr. V. Mohd. Ghulam Ghouse and Anr.*** (***AIR 2004 SC 1467),*** it was held that a challenge to a show cause notice before a writ Court can be successful only on the sole ground of want of jurisdiction. Further, in ***UOI and Anr. V. Kunisetty Satyanarayana (AIR 2007 SC 906),*** it was held that a mere show cause notice does not infringe the right of any person and hence, the discretionary jurisdiction under Article 226 should not ordinarily be exercised at such a premature stage. In the specific context of the PMLA, the Division Bench of the Hon'ble High Court of Calcutta in ***Enforcement Directorate and Anr. v. Sri Suman Chattopadhyay & Ors MAT 1214 of 2022*** held that no challenge can lie against an order of provisional attachment under Section 5(1) or a consequential show cause notice under Section 8(1) without exhausting the appellate remedies provided by the Act itself. Similarly, the Hon'ble High Court of Telangana in ***Sri P. Trivikrama Prasad V. Enforcement Directorate WP No.21124 of 2014*** held that the PMLA provides sufficient appellate mechanisms under Sections 26 and 42, and therefore, a writ Court cannot entertain any challenge to Section 5(1) provisional attachment order or a consequential show cause notice under Section 8(1). We are also inclined to rely upon the order of the Appellate Tribunal dated 24.09.2025 in ***Partha***

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Chakraborti v. The Deputy Director, ED, although the same is only of persuasive value**.** It was held therein that Section 8(1) does not contemplate the recording of reasons to believe. The impugned notices clearly mention that the noticee can apply and obtain certified copies of the Order dated 03.05.2018 wherein satisfaction in terms of Section 8(1) has been recorded by the AA. We are of the view that the authority need not be so miserly. It would do well to enclose the Order also. But omission to furnish in the first instance will not vitiate the proceedings. We are satisfied that the order is very much existing in the file.

14. The learned Single Judge has only tested the maintainability of the writ petitions on the touchstone fashioned by the aforesaid precedents and found them wanting. We concur.

15. There is also no merit in the contention that properties purchased earlier in point of time cannot be attached. Section 2(1)(u) of the PMLA reads as follows:-

> *"(u) "proceeds of crime" means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property [or where such property is taken or held outside the country, then the property equivalent in value held*

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within the country] 4 [or abroad];"

The bare language of the provision makes it clear that "value of any such property" shall also qualify as "proceeds of crime". In fact, the Hon'ble Supreme Court in ***Vijay Madanlal*** had settled the issue.

16. It is true that the show cause notices were issued by a single member of the adjudicating authority. No doubt, Section 6(2) of the Act envisages that the AA shall consist of a Chairperson and two other Members. However, Section 6(5) contemplates the constitution of Benches consisting of one or two Members. In ***RP Infosystems Ltd. V. Adjudicating Authority 2023 SCC OnLine Cal 2391,*** it was held that a single Member Bench is entirely competent to adjudicate matters under the Act. Similarly, a Division Bench of this Court in ***Pay Perform India Private Limited V. UOI 2024 SCC OnLine Mad 188*** affirmed this position. It is to be noted that this Order considered the judgment of the Hon'ble Supreme Court in ***Pareena Swarup V. Union of India (2008) 14 SCC 107*** and held that the same would no longer be applicable to this question of coram since it was pronounced before the amendment to Section 6.

17. It is true that Mohandoss Committee report, which was relied upon in the police charge sheet, was not acceptable to the Government of

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Tamil Nadu. That does not mean that Mohandoss Committee report has become an inadmissible document. What is not acceptable to the State Government can be a reliable material for the ED authority. In any event, this is a factual aspect. The impugned show cause notices are not based only on Mohandoss Committee report. There are other materials also. Hence, we do not find any merit in this contention also.

18. The argument anchored on Article 300-A of the Constitution of India has only to be stated to be rejected. The said Article reads as follows:-

> ***"300-A. Persons not to be deprived of property save by authority of law-*** *No person shall be deprived of his property save by authority of law."*

The authorities under the PMLA have only taken recourse to legal processes. They have not acted in a high-handed or arbitrary manner. When the statutory authority is discharging his statutory functions by following statutory procedures, Article 300-A cannot be pressed into service. An order of provisional attachment merely restrains the noticee from alienating or dealing with the property for a given period. The noticee is not deprived of the property as such. Invocation of the Article is misconceived for this reason also.

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19. We respectfully endorse the reasons assigned by the learned Single Judge for dismissing the writ petitions. The PMLA is a self-contained code providing a comprehensive, multi-layered adjudicatory mechanism. It contemplates a provisional attachment under Section 5, confirmation of such attachment under Section 8, a statutory appeal to the Appellate Tribunal under Section 26, and a further appeal to the High Court under Section 42. Therefore, no effective challenge to a provisional attachment order under Section 5(1) or a consequential show cause notice under Section 8(1) can lie before exhausting these statutory remedies. There is no merit in these writ appeals. They stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S.,J.) (P.V.M.,J.)
23.11.2026

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   Directorate Of Enforcement, Chennai Zonal Office, 3rd Block,
   Murugesa Naicker Complex, 84, Greams Road, Chennai-600 006

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   Officer, The Adjudicating Authority (pmla) Room No.26, 4th Floor,
   Jeevan Deep Building, Parliament Street, New Delhi-110 001

3. Shri.Thushar V Shah,honourable
   Member(law) Adjudicating Authority (pmla) Room No.26, 4th Floor,
   Jeevan Deep Building, Parliament Street, New Delhi-110 001

4. Ms.N.Ananthie,deputy Director
   Directorate Of Enforcement Govt. Of India, 3rd Floor, C Block,
   Murugesa Naicker Complex, No.84, Greams Road, Thousand Lights,
   Chennai-06

5. The Director Of Elementary
   Education, D.P.I.Campus, College Road, Chennai 6

6. The District Educational
   Officer, Pudukkottai, Tuticorin Dt 628 103

7. The Block Education Officer
   Srivaikundam Range, Srivaikundam, Tuticorin Dt

8. The Adjudicating Authority
   (pmla), Room No.26, 4th Floor, Jeevan Deep Building, Parliament
   Street, New Delhi-110 001

9. Registrar/administrative
   Officer, The Adjudicating Authority (pmla), Room No.26, 4th Floor,
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