



W.P.No.18891 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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R.Karthikeyan .. Petitioner

Vs.

1. Union of India
Rep. by the Revenue Secretary
Department of Revenue
Ministry of Finance
Room No.128-A, North Block
New Delhi.

2. The Director
Directorate of Enforcement
Pravatan Bhawan
Dr.A.P.J.Abdul Kalam Road
New Delhi 100 011.

3. State Government of Tamil Nadu
Rep. by the Secretary to Government
Public Department
Secretariat, Chennai 600 009.

4. The Director
Directorate of Vigilance and Anti-Corruption (DVAC)
No.293, MKN Road, Alandur
Chennai 600 016. .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the third and fourth respondents to transfer all pending and future First Information Reports (FIRs) registered under Prevention of Corruption Act to the second respondent herein for simultaneous registration of Enforcement case Information Report (ECIR) and for simultaneous investigation under Prevention of Money Laundering Act, 2002 and further directing the second respondent to register Enforcement Case Information Report (ECIR) and to proceed with all the cases so transferred by the fourth respondent under the provisions of Prevention of Money Laundering Act and Rules.

For the Petitioner : Mr.P.T.Perumal

For the Respondents : Mr.Rajnish Pathiyil
Special Public Prosecutor (ED)
for Respondents 1 & 2

Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.R.Muniapparaj
Addl. Public Prosecutor,
Ms.A.G.Shakeena &
Mr.M.Sylvester John
for Respondents 3 & 4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.T.Perumal, learned counsel for the petitioner, Mr.Rajnish Pathiyil, learned Special Public Prosecutor (ED) for the respondents 1 and 2 and Mr.R.Shunmugasundaram, learned Advocate



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General, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents 3 and 4.

2. Learned counsel for the petitioner strenuously contends that the offences under the Prevention of Corruption Act, 1988 are scheduled offences under Part A – Paragraph 8 of the Prevention of Money Laundering Act, 2002. The Director of Enforcement Directorate is the competent authority to investigate, track and trace the ill-gotten money. In order to initiate action under the Prevention of Money Laundering Act, 2002, the Director of Enforcement Directorate has to register Enforcement Case Information Report. The fourth respondent, Director of Vigilance and Anti-Corruption, being the predicate agency, is duty bound to inform the Director of Enforcement Directorate by forwarding the copies of the FIR. However, the same has not been done.

3. Learned counsel for the petitioner further submits that even the FIRs are not being uploaded by the authorities. The respondents may be directed to forward all the FIRs registered under the



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Prevention of Money Laundering Act to the Enforcement Directorate for simultaneous registration of the Enforcement Case Information Report.

4. Learned Advocate General submits that the FIRs registered are forwarded to the Courts. All the FIRs are uploaded on the website. There is no provision for transferring the FIRs to the Enforcement Directorate.

5. We asked learned counsel for the petitioner as to any provision, Act or Rule mandating the FIRs registered by the State authorities to be transferred to the Enforcement Directorate. Learned counsel for the petitioner candidly accepted that there is no such provision. In the absence of any provision, direction cannot be issued in that regard.

6. It is submitted by learned counsel for the petitioner that though statement has been made that all the FIRs are uploaded, the same are not uploaded. The State authorities are picking and choosing the FIRs for uploading.



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7. According to learned Advocate General, the same is not the case. All the FIRs are uploaded and due to technical reasons, some FIRs would not have been uploaded. The efforts would be taken to upload all of them.

8. We accept the statement made by learned Advocate General in that regard.

9. In view of the above, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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