



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 11TH DAY OF APRIL 2024/22ND CHAITHRA, 1946

WP(C) NO. 12725 OF 2024

PETITIONERS:

- 1 HIGHRICH ONLINE SHOPPE PRIVATE LIMITED,
DOOR NO.TC41/1030/14, SECOND FLOOR,
KANIMANGALAM TOWER, VALIYALUKKAL, THRISSUR ,
REPRESENTED BY ITS MANAGING DIRECTOR,
PIN - 680 027.**
- 2 HIGHRICH SMARTECH PRIVATE LIMITED
5/693/20 SREEHARI BUILDING RAJI NURSING HOME,
HOSPITAL ROAD, ASWINI, JUNCTION, THRISSUR
REPRESENTED BY ITS MANAGING DIRECTOR.,
PIN - 680 020.**
- 3 KOLATT DASAN PRATHAPAN
AGED 44 YEARS, S/O. DASAN, KOLATT HOUSE,
KARUVAN VALAVU, ERAVU P.O., THRISSUR,
PIN - 680 620.**
- 4 SREENA PRATHAPAN
AGED 33 YEARS, W/O. KOLATT DASAN PRATHAPAN,
KOLATT HOUSE, KARUVAN VALAVU, ERAVU P.O.,
THRISSUR, PIN - 680 620.**

BY ADVS.

**P.A.MOHAMMED SHAH
RENOY VINCENT
SHAHIR SHOWKATH ALI
CHELSON CHEMBARATHY
ABEE SHEJIRIK FASLA N.K
MUHAMED JUNAID V.
FATHIMA AFEEDA P.
ADITH KRISHNAN.U.
SHERIN SHERIYAR**



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RESPONDENTS:

- 1 **UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE, MINISTRY OF FINANCE,
GOVERNMENT OF INDIA, NORTH BLOCK,
NEW DELHI, PIN - 110 001.**

- 2 **ASSISTANT DIRECTOR
DIRECTORATE OF ENFORCEMENT, CALICUT
SUB ZONAL OFFICE, KENDRIYA BHAVAN,
2ND AND 3RD FLOOR, KOZHIKODE,
PIN - 673 003.**

- 3 **ADJUDICATING AUTHORITY (PMLA),
ROOM NO. 25, 4TH FLOOR, JEEVAN DEEP BUILDING,
PARLIAMENT STREET, NEW DELHI, PIN - 110 001.**

BY ADV

JAISHANKAR.V. NAIR, STANDING COUNSEL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 11.04.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



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JUDGMENT

Dated this the 11th day of April, 2024

See order dated 02.04.2024. The learned CGC on instructions submitted that, once the matter has been placed before the adjudicating authority, the authorised officer does not any further process a request for transfer of the property, which has been attached. However, it is submitted that, there is no prohibition in the Statute and there is also no power available to the adjudicating authority to consider the question of granting permission for transfer.

2. Since, the matter is already before the adjudicating authority, there will be a direction to the adjudicating authority to consider and pass orders within the period available under the Statue, that is, 180 days from the date of freezing. The petitioner shall file an application for permission for transfer of the property, which has been frozen, as provided under Section 17(1A). There will be a further direction to the authorised



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officer to consider the request submitted by the petitioner, restricting the order of freezing to the extent of the amount covered in the FIR, which has already been registered. Necessary information shall be provided to the adjudicating authority about such an application and consideration of the application shall be done within one month from the date of receipt of a copy of this judgment.

Sd/-

T.R RAVI
JUDGE

AMR



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APPENDIX OF WP(C) 12725/2024

PETITIONERS' EXHIBITS

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| Exhibit P1 | THE TRUE COPY OF FIR NO.880/2022 OF ERNAKULAM TOWN SOUTH POLICE STATION DATED 28.07.2022. |
| Exhibit P2 | A TRUE COPY OF FIR NO.1070/2023 OF CHERPU POLICE STATION, THRISSUR RURAL DATED 18.09.2023. |
| Exhibit P3 | THE TRUE COPY OF FIR NO.60/2023 OF SULTHAN BATHERY POLICE STATION, WAYANAD DATED 22.01.2023. |
| Exhibit P4 | THE TRUE COPY OF FREEZING ORDER PASSED BY THE RESPONDENT NO.2 DATED 24.01.2024. |
| Exhibit P5 | THE TRUE COPY OF THE APPLICATION FILED BY THE 2ND RESPONDENT BEFORE THE 3RD RESPONDENT DATED 24.01.2024. |
| Exhibit P6 | THE TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED TO THE PETITIONER NO.3 BY THE RESPONDENT NO.3 DATED 23.02.2024 WITH ENCLOSURES. |