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*W.P.(Crl.) No.71 of 2025
and W.M.P.(Crl.) Nos.34, 36 & 38 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	18.06.2025
<i>Pronounced on</i>	20.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(Crl.) No.71 of 2025
and
W.M.P.(Crl.) Nos.34, 36 & 38 of 2025

Akash Baskaran

...Petitioner

Vs.

The Joint Director,
Directorate of Enforcement,
Chennai Zone-I,
Floor Nos.5&6, BSNL Admin Office,
Kushkumar Road, Nungambakkam,
Chennai – 600 034.

...Respondent

For Petitioner : Mr.Vijay Narayanan, Sr. Counsel
for Mr.K.M.Kalicharan

For Respondent : Mr.S.V.Raju, ASG
assisted by Mr.Zeheb Hussain, SPP
and Mr.N.Ramesh, SPP



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ORDER

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M.S.RAMESH, J.

The petitioner herein is aggrieved against the action initiated by the Officers from the Enforcement Directorate in conducting search and seizure operations under Section 17 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as ' the PMLA') at his residential premises at A3, 3rd Floor, La Gracia Apartment, K.B.Road, Seethamal Colony, Teynampet, Chennai – 600 018.

2. The operations for search and seizure is ostensibly a part of an investigation into alleged money laundering linked to the Tamil Nadu State Marketing Corporation (TASMAC). The Hon'ble Supreme Court, by an interim order dated 22.05.2025, had directed the Directorate of Enforcement to refrain from taking any coercive steps against TASMAC and its officials, including any fresh search, seizure or investigation against TASMAC Officers/Employees, in connection with ECIRs registered against them.

3. The learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner has no involvement with the



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TASMAC operations at all and in the alleged 41 FIRs lodged by Directorate of Vigilance and Anti-Corruption (DVAC) for the scheduled offences, no independent allegation or predicate offence has been registered against the petitioner and therefore questioned the validity of the invocation of Section 17 of the PMLA.

4. Under Section 17 of the PMLA, when the Director or any authorized Deputy Director, on the basis of information in his possession, has reason to believe that any person has committed any act which constitutes money laundering or is in possession of any proceeds of crime involved in money laundering or is in possession of any records relating to money laundering, he may authorize any Subordinate Officer to enter, search, break open the lock of any door when keys are not available or seize any record of property found during the search.

5. Since the petitioner had totally denied of any involvement relating to the scheduled offences, we had called upon the learned Special Public Prosecutor to produce before us the materials forming the basis of information in their possession, which has led them to believe that the petitioner had committed an act, which constitutes money



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laundering or is in possession of any proceeds of crime, records or property relating to the crime, in a sealed cover, through an interim order dated 13.06.2025.

6. In the next hearing on 17.06.2025, a sealed cover was produced before us, claiming that the Directorate was in possession of certain incriminating materials, but had not produced the materials as such, which is contrary to our earlier directions. Along with this, a copy of the Authorization No.103/2025 dated 15.05.2025, authorizing an Assistant Director to conduct the search of the petitioner's premises, was also produced.

7. The respondent was given one more opportunity to produce the details of the information in a sealed cover, which they claimed to be in their possession and accordingly the Writ Petition is called today. In accordance with our interim directions dated 17.06.2025, the learned Special Public Prosecutor produced an undated and unsigned brief explanation note along with supporting materials, claiming it to be the information they possess about the petitioner, which led them to initiate the search operations.



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8. This brief explanation note, however, also does not relate to the information or materials which the Directorate claim to have in possession in their earlier notes on “reason to believe” produced on 17.06.2025. Neither does this brief explanation note disclose any information in the possession of the Directorate, which authorizes them to conduct the search and seizure operations in the petitioner's premises.

9. When we indicated to the learned Additional Solicitor General that whatever the information/materials they had produced before us in the sealed cover had no nexus to their original claims of being in possession of incriminating information, he submitted that the 41 FIRs, relating to the scheduled offences registered against the TASMACH officials, are the information in their possession, which authorizes them to conduct the search and seizure operations.

10. When we expressed to the learned Additional Solicitor General that we do not approve his claim in this regard, the learned Additional Solicitor General submitted that they would direct the Officials to forthwith return all the seized properties of the petitioner. He further



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added that some of the property/record have already been returned to the petitioner and undertook to return all the remaining seized materials also.

The learned Additional Solicitor General sought four weeks time to file a counter affidavit before us.

11. On a *prima facie* view, we find that the Authorization No.103/2025, dated 15.05.2025 and the consequential search/seizure operations conducted by the respondent, is wholly without authority or jurisdiction, since no incriminating information or material was in their possession on 15.05.2025 when the respondent had authorized for search and seizure operations and on 16.05.2025 when the respondent had conducted search operations.

12. We consciously refrain ourselves from describing the alleged material or information claimed to be in the possession of the respondent, for obvious reasons. However, it would suffice to state that the so called information produced by the Directorate before us, have absolutely no semblance of an information, which may have led them to believe that the petitioner may be involved in the offence of money laundering.



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13. In the light of the above observations, there shall be an order of interim stay of all further proceedings, pursuant to the respondent's Authorization No.103/2025 dated 15.05.2025, pending disposal of this Writ Petition.

14. There shall be a further interim order to the respondent to return all the seized properties of the petitioner, pursuant to the search and seizure operations conducted on 16.05.2025, pending final disposal of this Writ Petition. The petitioner shall not tamper or alienate the digital devices that has been returned to him/to be returned to him, final pending disposal of this Writ Petition.

15. Call the matter on 16.07.2025.

**[M.S.R., J] [V.L.N., J]
20.06.2025**

Index: Yes
Neutral Citation: Yes
Speaking order
hvk

Note to Registry:

1. The Registrar (Judicial) is called upon to have safe custody of the aforesaid sealed covers.

2. Issue order copy on 20.06.2025.



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M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

hvk

To

1.The Joint Director,
Directorate of Enforcement,
Chennai Zone-I,
Floor Nos.5&6, BSNL Admin Office,
Kushkumar Road, Nungambakkam,
Chennai – 600 034.

2.The Registrar (Judicial),
High Court of Madras.

Pre-delivery order made in
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20.06.2025