
(2021) 02 ATPMLA CK 0022

In the Appellate Tribunal Under Prevention Of Money Laundering Act

Case No : MP-PMLA-2945, 3019/PTN/2016, 8186, 8187, 8188, 8189/PTN/2021,
FPA-PMLA-1562, 1593/PTN/2016

Sanoj Yadav

APPELLANT

Vs

Joint Director, Directorate Of Enforcement, Patna

RESPONDENT

Date of Decision : 11-02-2021

Acts Referred:

Prevention Of Money Laundering Act, 2002 — Section 8(4)

Citation : (2021) 02 ATPMLA CK 0022

Hon'ble Judges : G. C. Mishra, Acting Chairman

Bench : Single Bench

Advocate : Rajesh Mahale, Neeraj Atri

Judgement

Sl. No., Sale Deed No. /dated, Description of Properties, "Properties acquired in the name of

1., 882/dtd. 20.03.2012, "Tauzi No. 413, Thana No. 146 Shankarpur

Circle- Sadar Munger, Distt- Munger [Area-1

Acre 31.25 decimal]", "Sanoj Yadav S/o Kamal

Kishore Yadav

1., 1230/dtd. 11.04.2012, "Tauzi No. 413, Thana No. 146 Shankarpur

Circle- Sadar Munger, Distt- Munger [Area-2

Acre 62.50 decimal]", ",-do-

2009 and that the scheduled offences alleged to have been committed are under Arms Act-1959. These properties are agricultural lands in which the,,,

appellants have undertaken agricultural operations and they are living on it and that they have no other properties except the above. The appellants will,,,

abide by any conditions and the appellants are in possession of the attached properties and that no possession has been taken by the respondent as on,,,

today. From the date of confirmation of the attached till date they have not parted with the properties nor they will part with the same. On the,,,

aforesaid grounds the appellant is seeking ad-interim stay of the operation of the impugned notices dated 19.01.2021.,,,

On the other hand the Id. counsel for the respondent raised strong objection for grant of any interim stay of the operation of the impugned notices,,,

dated 19.01.2021. It is submitted by him that the lands are Government lands and that the payments towards the purchase of the lands have been,,,

made in cash which are proceeds of crime. He is not sure whether any agricultural operations have been undertaken on the aforesaid properties and,,,

that the appellants have failed to make out any case for grant of any interim order. Therefore, the stay application may be dismissed.",,,

Heard both sides. It is an admitted fact that the impugned order is passed and the appeals have been filed in the year 2016 and that from the year,,,

2016 to January, 2021 no eviction notice has been issued. The appellants were all along in possession of the properties and they have not part with the",,,

same. Further, there is no denial from the side of the respondent that there are any agricultural operations undertaken on the aforesaid properties.",,,

There is also no denial that the appellants and their family members are dependant and the lands are source of their livelihood. The claims of the,,,

respondent that these are the Government land and that the properties were purchased on cash, would be considered at the time of final hearing of the",,,

appeals on merits. It is seen from the record that the pleadings are complete. The next date of hearing has already been fixed on 15.04.2021.,,,

After considering the submissions made by the Id. counsels for both the parties, I am satisfied that the appellants have made out the case for grant of",,,

conditional ad-interim order of status quo till the next date of hearing. Accordingly, on the grounds stated in the preceding paragraphs, both the parties",,,

are directed to maintain the status quo with respect to the aforesaid properties till the next date of hearing. The order of status quo is subject to the,,,

following conditions:-,,,

i. Attachments shall continue;,,,

ii. The appellants are prohibited to create any third party rights or dispose of the said properties in any manner;,,,

iii. No encumbrance shall be created by appellants in respect of the said properties.,,,

List the appeals on 15th April, 2021 for hearing. In the meantime, parties are directed to submit their written submission in digital form.",,,