

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION*

*CRIMINAL WRIT PETITION (STAMP) NO.21094 OF 2024  
WITH  
CRIMINAL WRIT PETITION (STAMP) NO.21095 OF 2024*

Raj @ Ripusudan Kumdra & Anr. ... Petitioners

*Versus*

Directorate of Enforcement & Anr. ... Respondents

Mr. Prashant P. Patil a/w Mr. Swapnil Ambure, Ms. Nida Khan  
and Ms. Poorva Joshi for the Petitioners

Mr. Satyaprakash for the Respondent No.1-E.D

Mrs. P. P. Shinde, A.P.P for the Respondent No. 2-State

**CORAM : REVATI MOHITE DERE &  
PRITHVIRAJ K. CHAVAN, JJ.  
THURSDAY, 10<sup>th</sup> OCTOBER 2024**

**P.C :**

1 By these petitions, the petitioner seeks the following  
substantive relief :

*“a) This Hon’ble Court be pleased to issue the writ of  
Certiorari or a writ of Mandamus or any other writ, order  
or direction and upon examining the propriety, legality  
and correctness of the impugned Notice dated 27<sup>th</sup>  
September 2024 (Exhibit A hereto) issued by Deputy*

*Director, Directorate of Enforcement, Mumbai under the provisions of Prevention of Money Laundering Act, 2002 be pleased to quash and set aside the same.”*

2            Learned counsel for the petitioner submits that the said eviction notices dated 27<sup>th</sup> September 2024 directing the petitioners to vacate their residential premises at 1<sup>st</sup> Floor, Ocean View, Opposite Sunny Villa, Off Gandhi Road, Juhu Tara Road, Santa Cruz (West), Mumbai-400 049 (in Writ Petition (Stamp) No. 21094/2024) and their property at 1/02, Bunglow, Ajmera Hills, Mahagaon Road, Near Pawana Damn, Taluka Maval, District Pune, Maharashtra-410406 (in Writ Petition (Stamp) No. 21095/2024) are bad in law, considering that the statute provides a statutory remedy to the petitioners, which is filing of an appeal within 45 days from the order confirming the provisional attachment by the Adjudicating Authority. Learned counsel also relied on the judgment of *Vijay Madanlal Choudhary & Ors. v. Union of India & Ors.*<sup>1</sup>, in particular, para 77 of the said judgment, to buttress his submission.

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1 2022 SCC OnLine SC 929

3           Mr. Satyaprakash, learned Spl. P.P appearing for the Enforcement Directorate, relied on para 307 of the *Vijay Madanlal Choudhary (Supra)*. He, on instructions, fairly states that the aforesaid eviction notices will not be acted upon till the stay applications are finally decided by the Appellate Authority, before whom the petitioners will be filing appeals along with the stay applications, within the statutory period. Statement accepted.

4           In the event, the orders are adverse to the petitioners, the same shall not be acted upon for a period of two weeks thereafter.

5           We make it clear that we have not gone into the merits of the petitions and as such all contentions of all parties are kept open.

6           The petitions stand disposed of on the aforesaid terms.

7           All concerned to act on the authenticated copy of this order.

**PRITHVIRAJ K. CHAVAN, J.**

**REVATI MOHITE DERE, J.**