



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 30424 OF 2024 (GM-RES)

BETWEEN:

DIRECTORATE OF ENFORCEMENT
3RD FLOOR, B BLOCK, BMTC,
SHANTHINAGAR, TTMC K.H.ROAD,
BENGALURU-560027, REPRESENTED BY
ITS ASSISTANT DIRECTOR.

...PETITIONER

(BY SRI. PRASANNA KUMAR P., ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION
TECHNOLOGY, BY IT SECRETARY,
ELECTRONICS NIKETAN, 6, CGO COMPLEX,
LODHI ROAD, NEW DELHI -110003,
REPRESENTED BY ITS ASSISTANT SOLICITOR
GENERAL, HIGH COURT OF KARNATAKA,
BENGALURU-560001.

2. UNIQUE IDENTIFICATION AUTHORITY OF INDIA
(UIDAI) 3RD FLOOR, SOUTH WING,
KHANIJA BHAVAN, 49, RACE COURSE ROAD,
BENGALURU-560001, REPRESENTED BY
ITS DEPUTY DIRECTOR.

...RESPONDENTS

(BY SRI. SHANTHI BHUSHAN H., ASSISTANT SOLICITOR GENERAL)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF THE
CONSTITUTION OF INDIA R/W SECTION 33 OF THE AADHAAR
PRAYING TO, ISSUE A WRIT IN THE NATURE OF MANDAMUS TO
RESPONDENT NO.2 PERMITTING THE PETITIONER TO EXAMINE
THE AADHAAR DATABASE OF 21 PERSONS INCLUDING IDENTITY
INFORMATION OR AUTHENTICATION RECORDS AS PER SEC. 33
OF THE AADHAAR ACT, 2016 TO VERIFY WHETHER ANY CHANGE





OF NAME, ADDRESS, PHONE NUMBER ETC., HAVE BEEN MADE IN RESPECT OF THE AADHAAR NUMBERS AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

1. The petitioner is the Enforcement Directorate seeking a writ in the nature of Mandamus directing the respondent No. - 2 - Unique Identification Authority of India (UIDAI) to permit the petitioner to examine the Aadhar database of 21 persons including the identity information or authentication records as per Section 33 of the Aadhar Act, 2016 to verify whether any change has been made in respect of the Aadhar numbers.

1.1. Additionally, the petitioner seeks a writ in the nature of Mandamus to direct the respondent No. - 2 - UIDAI to share the correct/true details of the following 19 Aadhaar numbers, such as the name, address, photograph, date of birth.

| Sl. No. | Name | Account No. | Aadhar Number | Amount Paid in the Account from KIADB in INR | Remarks |
|---------|-----------------------------------|--------------------|-----------------------|--|---|
| 1. | Mallaya Gangayya Shambalmath C/o. | 006910 400013 4453 | 3459 6130 1547 | 37260952 | The bank account has been opened with fake identity and address. Identified original person. He |



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|----|--|--------------------------|---------------------------|----------|--|
| | Gangayya Aralikatti, Haveri, Aralikatti, Karnataka- 581109 | | | | has not received the compensation. The land does not belong to him. He is a mediator for Santosh Jain & Bharat Jain. Needs further investigation |
| 2. | Mahadev Basappa Chalwadi C/o Basappa Chalwadi Ward No.22 Ganesh Nagar Vijayapur, Bijapur, Karnataka- 586109. | 006910 400013 4606 | 5290 4387 6218 | 6080000 | No Such address exists. The account has been opened by the accused persons and the transactions in the same have been undertaken by the accused persons |
| 3. | Rajeshwari Basalingappa Yaragatti C/o. Rasalingappa, 3rd Cross, Kata Market Road, Hubli, Dharwad, Hubli, Karnataka- 580029. | 006910 400030 5525 | 8117 5372 2618 | 1888224 | Not received compensation. Account opened with fake ID Proof and address. Filed FIR with Vidyagiri police Chargesheet filed. |
| 4. | Vinayak Shankarao Nayik C/o. Shanbkrao Deshpande Nagar Hubli, Dharwad, Karnataka- 580029. | 006910 400020 5549 | 9162 1898 5588 | 1353227 | The address is fake. No such address exists. The account has been opened by the accused persons and the transactions in the same have been undertaken by the accused persons |
| 5. | Gurushanth Veerappa Valasangi S/o. Veerappa Valasangi, | 006910 400025 1440 | 4278 8456 3469 | 20887020 | The address is fake. No such address exists. The account has been opened by the accused persons |



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|----|---|--------------------------|---------------------------|----------|--|
| | 271 Near Durga Devi Temple Vikas Nagar, Dharwad, Hubli, Karnataka | | | | and the transactions in the same have been undertaken by the accused persons |
| 6. | Fakkirappa Yallappa Bojagar S/o. Yellappa Bojagar 154, Near Durga Devi Temple, Vikas Nagar, Dharwad, Hubli, Karnataka | 006910 400025 2218 | 9488 4129 5117 | 20345000 | The address is fake. No such address exists. The account has been opened by the accused persons and the transactions in the same have been undertaken by the accused persons |
| 7. | Nagappa Yallappa Bellari S/o. Yallappa Bellari 120, Nekarnagar, 3rd cross, Hubli | 006910 400025 2607 | 2208 2783 0718 | 25805000 | The address is fake. The person has passed away in 2019. Fake account opened and payment made in 2022. Recorded statement from his brother. Obtained death certificate. |
| 8. | Shivaraj Dyamanna Dandeli S/o. Dyamanna Dandeli, 160, Annandnagar Old Hubli Dharwad- 580024 | 006910 400025 2638 | 8152 6363 4858 | 28860000 | The account has been opened with fake ID and address proof. Identified original person recorded statement under section 50 of PMLA 2002. He has not received money. |
| 9. | Krishna Yallappa Bellari S/o. Yellappa Bellari 771, Near Water Tank, Annandnagar, | 006910 400025 2713 | 9337 5480 2660 | 29185000 | The account has been opened with fake ID and address proof. Identified original person recorded statement under section 50 of PMLA 2002. He has not received money. |



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|-----|---|--------------------------|---------------------------|--|---|
| | Timmasagar, Dharwad- 580024. | | | | |
| 10. | Shantilal Dhanraj Jain S/o. Dhanraj Jain, MR Nagar, 2nd cross, Dharwad- 580001. | 006910 400025 2744 | 9156 6705 1190 | 29634624 + 41026907 = 70671531 | The account has been opened with fake ID and address proof. Identified original person recorded statement under section 50 of PMLA 2002. He has not received money. |
| 11. | Muralidhar Shrinivasrao Jagirdhar C/o. Srinivasrao, 93 Sri M.Visveswara yyanagar, 3rd Cross Belagavi, Karnataka- 590001. | 006910 400013 4279 | 5074 3129 0253 | 41145000 | The account has been opened with fake ID and address proof. Identified original person recorded statement under section 50 of PMLA 2002. He has not received money. |
| 12. | Unspecified | Unspeci fied | 5182 5691 6295 | Unspecified | Unspecified |
| 13. | Danappa Fakirappa Durgada Murkvada, Shivpur, Uttar Kannada, Karnataka- 581329. | 071610 400028 6916 | 3440 7176 6157 | 13275000 | The address is fake. No such address exists. |
| 14. | Ganapati Bhat S/o. Ishwar Gouli Galli Malamaddi, Dharwad- 580001. | 071610 400028 6985 | 8117 4799 3456 | 5332262 | The address is fake. No such address exists. Identified original person recorded statement under section 50 of PMLA 2002. He has not received money.. |
| 15. | Shivaram Anant | 006910 400027 | 9071 4629 3341 | 4080000 | The address is fake. No such address |



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|-----|---|---------------------------|---------------------------|----------|--|
| | Daddikar C/o. Anant Daddikar, Ward No.10, Dyamanavana Gudi oni, Dharwad, Karnataka- 580001. | 0304 | | | exists. The account has been opened by the accused persons and the transactions in the same have been undertaken by the accused persons. |
| 16. | Manidhar Langote S/o. Peer Saab Shantinagar, New Gavathan Bailahongal, Belagavi, Karnataka- 5911104. | 071610 400025 86954 | 3041 3983 2364 | 13275000 | The address is fake. No such address exists. |
| 17. | Madarasaab Khadarsaab Halabavi, C/o. Khadarsaab Halabavi, 342 Nehrunagar, Dharwad, Karnataka- 580003. | 006910 400025 2706 | 7740 2273 4983 | 35360000 | The address is fake. No such address exists. The account has been opened by the accused persons and the transactions in the same have been undertaken by the accused persons. |
| 18. | Veeranna Shivappa Sajjannar C/o. Shivappa Sajjannar, Hubli, Dharwad, Karnataka- 580024. | 006910 040002 52201 | 3424 1720 1198 | 27000000 | The address is fake. No such address exists. The account has been opened by the accused persons and the transactions in the same have been undertaken by the accused persons. |
| 19. | Shivanagoud Venkanna Gaouda Patil, Goudra Street, Hirehonnihalli, Dharwad- 580114. | 006910 400025 2614 | 9288 0255 5630 | 25155000 | The address is fake. No such address exists. The account has been opened by the accused persons and the transactions in the same have been undertaken by the accused |



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|--|--|--|--|--|----------|
| | | | | | persons. |
|--|--|--|--|--|----------|

2. The petitioner contends that the above is sought in pursuance of an investigation under-way in ECIR No. BGZO/40/2023 dated 30.11.2023, registered under the provisions of the Prevention of Money Laundering Act, 2002 (PMLA), in the case of VD Sajjan and others, where fraudulent bank accounts were opened in the names of impersonated individuals, and fraudulent / double / second compensation has been routed from the Karnataka Industrial Area Development Board (KIADB) into the said fraudulent bank accounts.

2.1 Subsequently, the monies deposited in the said accounts has been withdrawn in cash or further routed/layered into other bank accounts. The said bank accounts have been allegedly created by falsifying Aadhar data, whereby Aadhar cards were fraudulently obtained in the names of impersonated individuals.

3. The factual matrix of the matter at hand involves a case of a parcel of land measuring 12 Acres & 10 Guntas of land situated in sy. no. 150 and another parcel of land measuring 22 Guntas of land situated in sy. No. 154, in Mummigatti village, in Dharwad District, which was acquired by the KIADB in the year 2012, and the compensation of an amount of INR 3,32,43,438/-, payable against the same was



paid vide cheque bearing no. 572241, dated 25.07.2012, to the landlord, one Shri Sanjay A Desai. The RTC in respect of the said lands stands in the name of KIADB, since 2012, and the said landlord is on record to have never made any subsequent claim for additional compensation.

4. However, one Shri VD Sajjan who was the Special Land Acquisition Officer at KIADB, in collusion with unknown individuals - within and outside of KIADB has allegedly fraudulently sanctioned a compensation for the second time amounting to INR 3,17,85,000/- for the said lands, again on 28.02.2022. The said amounts were transferred into an IDBI Bank at Hubli, bearing Account No.0069104000251846, opened in the name of Shri Sanjay Abbasaheb Desai, purported to reside at Shri Ram Nagar, Dharwad, Karnataka - 5800007.

5. Shri P Prasanna Kumar, appearing for the petitioner-Enforcement Directorate submitted that investigation has revealed that the above address is non-existent, as were the Aadhar details. One Shri Sunil Surendra Yadav has impersonated Shri Sanjay Appasaheb Desai, as corroborated / confirmed by the statement of the *bona fide* landlord - Shri Sanjay Appasaheb Desai, as recorded under Section 50 of PMLA, on 28.02.2024.



5.1. The learned Counsel further contended that the true details of the above mentioned at paragraph no. 1.1. is essential for investigation in the offence of money laundering and pertinently, to trace the transfer of monies, which are proceeds of crime. Therefore, the learned Counsel contends that in view of provisions contained in Section 33 of the Aadhar Act, 2016, this Court issue a direction to the respondent No. 2 to disclose the required information, as the investigation of the case at hand reveals that modus operandi of the alleged perpetrators of the said offence was creation of fake bank accounts using manipulation and impersonation of the Aadhar database.

6. Shri Shanti Bhushan, the learned Deputy Solicitor General appears for respondents herein and submitted that respondents herein cannot disclose the requisite information, without specific orders of this Court.

7. Heard the learned counsels and perused the materials on record. The issue that emerges for consideration is whether the petitioner-Enforcement Directorate has made out a case for the issuance of a writ of mandamus, directing respondent No. 2 to disclose the identities and details of the persons whose Aadhar details have been impersonated to obtain fake identity which in turn has been used to open bank accounts and siphon off the proceeds of crime.



8. The relevant facts necessary for disposal of the case at hand have been adequately captured in the preceding paragraphs and require no further elaboration.

9. The present petition being filed under Article 226 of the Constitution of India *read with* Section 33 of the Aadhar Act, 2016 requires a reference to the governing statutory provision.

9.1. Section 33 of the Aadhar Act, 2016 deals with disclosure of identities, and reads thus -

33. Disclosure of information in certain cases.—(1)

Nothing contained in sub-section (2) or sub-section (5) of section 28 or sub-section (2) of section 29 shall apply in respect of any disclosure of information, including identity information or authentication records, made pursuant to an order of a court not inferior to that of a Judge of a High Court:

Provided that no order by the court under this sub-section shall be made without giving an opportunity of hearing to the Authority and the concerned Aadhaar number holder.

Provided further that the core biometric information shall not be disclosed under this sub-section.

(2) Nothing contained in sub-section (2) or sub-section (5) of section 28 and clause (b) of sub-section (1), sub-section (2) or sub-section (3) of section 29 shall apply in respect of any disclosure of information, including



identity information or authentication records, made in the interest of national security in pursuance of a direction of an officer not below the rank of Secretary to the Government of India specially authorised in this behalf by an order of the Central Government:

Provided that every direction issued under this sub-section, shall be reviewed by an Oversight Committee consisting of the Cabinet Secretary and the Secretaries to the Government of India in the Department of Legal Affairs and the Department of Electronics and Information Technology, before it takes effect:

Provided further that any direction issued under this sub-section shall be valid for a period of three months from the date of its issue, which may be extended for a further period of three months after the review by the Oversight Committee.

10. The above Section clearly envisages a disclosure pursuant to an order of a Court not inferior than this Court, and the Apex Court in the case of *K.S. Puttaswamy v. Union of India*, 2019 1 SCC 1, has observed that the data may be collected/disclosed to the Executive in pursuance of legitimate purposes, including prevention and investigation of crimes. In the instant case, an investigation into an offence of money laundering being legitimate state interest and the petitioner herein being statutorily empowered to investigate into an offence under PMLA, it is appropriate that a *Mandamus* be



granted directing the respondent No.2 to disclose the true identities of those as sought for herein.

11. A coordinate Bench of this Court in the case of **National Investigation Agency, Hyderabad v. Union of India, in W.P. No. 2360/2022 : DD 10.08.2022** dealt with a case of a requisition sought in relation to investigation into an offence of cross-border human trafficking and prostitution of women, and observed therein while granting *Mandamus* that the petitioner-agency “*shall not use the subject information & documents for any purpose alien to the investigation of the offences and prosecution of the offenders*”.

Accordingly, I order the following:

ORDER

- i. The instant petition is ***allowed***.
- ii. The respondent No. 2 is directed to permit the petitioner to examine the Aadhar database of the persons/numbers enumerated below, including identity information or authentication records, to verify whether any changes of name, address, phone number, etc. have been in respect of the Aadhar numbers.



- iii. The respondent No. 2 is directed to share the correct/true details - addresses, photographs, dates of birth, etc., with the petitioner of the following 19 Aadhar Nos. -
3459 6130 1547, 5290 4387 6218, 5290 4387 6218, 8117 5372 2618, 9162 1898 5588, 4278 8456 3469, 9488 4129 5117, 2208 2783 0718, 8152 6363 4858, 9337 5480 2660, 9156 6705 1190, 5074 3129 0253, 5182 5691 6295, 3440 7176 6157, 8117 4799 3456, 9071 4629 3341, 3041 3983 2364, 7740 2273 4983, 3424 1720 1198, 9288 0255 5630.
- iv. The petitioner is hereby directed to not use the subject information and documents for any purpose alien to the investigation of the offences and prosecution of the offenders.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

HR
Ct:vh
List No.: 19 SI No.: 2