

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.35114 and 35115 of 2014

And

M.P.Nos.1 and 1 of 2014

M.Nandakumar

... Petitioner in W.P.No.35114 of 2014

M.Elangovan

... Petitioner in W.P.No.35115 of 2014

Vs.

The Joint Director
Directorate of Enforcement
Chennai Zonal Officer
III Floor 3rd Block
Shashtri Bhavan
No.26, Haddows Road
Chennai 600 006.

... Respondent in both W.Ps.

Common Prayer: Petitions filed under section 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent-Department from proceeding with the summon in S.Nos.307 and 308 of 2014 respectively, dated 03.12.2014 in File No.T-3/17/CZO/C/2009 against the petitioner based upon his representation dated 27.12.2014.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.M.Dhandapani

C O M M O N O R D E R

Heard Mr.R.Sankarasubbu, learned counsel appearing for the petitioner and Mr.M.Dhandapani, learned counsel appearing for the respondent. With the consent of both the parties, these writ petitions are taken up for final disposal.

2.The petitioners have filed these writ petitions challenging the summons issued by the respondent Authority calling upon the petitioners to produce photo identification proof, copy of bank passbook, details of immovable properties with copies of related documents, details of import made by the petitioner since 2008.

3.The only ground on which the impugned summons are challenged is by contending that it is pertaining to file No.T-3/17/CZO/C/2009. It is settled legal principle that a summon cannot be put to challenge unless and until, the Authority issuing summons has acted without jurisdiction.

4.Admittedly, the respondent is The Joint Director, Directorate of Enforcement and is the competent Authority under the provisions of Foreign Exchange Management Act 1999. Therefore, the petitioners shall respond to the summon and produce the documents in support of their claim so that the respondent shall consider the documents and proceed in accordance with law. It is made clear that when the petitioners appear before the Authority producing the documents, there shall not be any harassment.

5.The writ petitions are disposed of with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The Joint Director
Directorate of Enforcement
Chennai Zonal Officer
III Floor 3rd Block
Shashtri Bhavan
No.26, Haddows Road
Chennai 600 006.

1 cc to Mr.M. Dhandapani, Advocate, Sr. 17995

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