

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8494 of 2015

R.Devadass

... Petitioner

vs.

The Assistant Director,
Directorate of Enforcement
Shastri Bhavan, Nungambakkam,
Chennai

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Mandamus directing the respondent to consider and pass appropriate order on his representation dated 15.03.2015 within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.M.Dhandapani

O R D E R

Heard Mr.S.Sivakumar, learned counsel appearing for the petitioner and Mr.M.Dhandapani, learned counsel appearing for respondent and perused the materials placed on record. With the consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner has filed this Writ Petition praying for a issuance of Writ of Mandamus directing the respondent to consider and pass appropriate orders on his representation dated 15.03.2015 within a reasonable time.

3. The petitioner had been issued summons by the respondent dated 04.12.2014 directing him to appear in person on 10.12.2014 at 10.30 hours and to produce the following documents:-

- (i) Details of Bank loan in connection with DR Logistics
- (ii) Copy of the IT Return and DR Logistics for the past five years.
- (iii) Copy of the Bank statement of DR Logistics for the past two years.

4. According to the petitioner, he has appeared before the authority and he has also sent a legal notice on 15.12.2014 and in

this regard the petitioner stated that those records are very much available before the Registrar of Companies, since the record pertains to the transaction of a Company. The petitioner is now aggrieved by the fresh summons dated 10.03.2015 calling upon the petitioner to appear on 16.03.2015 at 10.30 hours, which he has not responded. The petitioner's counsel is said to have appeared in response to the summons dated 10.03.2015 and sought for details. The petitioner seeks to be informed whether the present summon is for a new case or for the old case in the File No.53/2010.

5.In the light of the above, there will be a direction to the petitioner to appear before the respondent and when the petitioner appears before the respondent, the respondent shall inform the petitioner as to whether the present summon dated 10.03.2015 is for a new case or for old case and also consider his submission with regard to the records called for which according to the petitioner have already been produced by the petitioner in response to the earlier summon.

6.The learned counsel for the respondent would submit that in response to the earlier summon dated 04.12.2014 or the 1st summon dated 18.11.2014, the petitioner has not produced any documents.

7.Accordingly, there shall be further direction to the petitioner to appear before the respondent along with a copy of this order and produce the documents called for, if not already produced. The petitioner shall be informed as to the nature of the case, which is now pending and the number of cases which are pending.

With the above direction, this Writ Petition is disposed of .
No costs.

Sd/-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub Assistant Registrar

To
The Assistant Director,
Directorate of Enforcement
Shastri Bhavan, Nungambakkam, Chennai

+1 cc to M/s.M.Dhandapani, Advocate, SR.16639

+1 cc to M/s.S.Sivakumar, Advocate, SR.16720

mp(co)
krd 10/4

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