

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.3667 of 2011

MP.No.1 of 2011

Sahabudeen Seenii Mohamed

Petitioner

Vs

1.The Deputy Director, Enforcement Directorate
Shastri Bhavan, Chennai-6

2.The Branch Manager, IOB, Sowcarpet
Chennai-79
Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 1st Respondent to raise the freezing of the Savings Bank Account of the Petitioner, bearing SB.A/c.No.16269 with the 2nd Respondent and consequently, to direct the 2nd Respondent to permit the Petitioner to withdraw the amount, lying in the said Savings Bank Account.

For Petitioner : Mr.M.Abdul Nazeer

For Respondents : Mr.Rajnish Pathiyil-R1

ORDER

The prayer in this Writ Petition is to direct the 1st Respondent to raise the freezing of the Savings Bank Account of the Petitioner, bearing SB.A/c.No.16269, with the 2nd Respondent and consequently, to direct the 2nd Respondent to permit the Petitioner to withdraw the amount, lying in the said Savings Bank Account.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, when the Petitioner came to know about the freezing of his account, the Petitioner had issued a legal notice to the 1st Respondent, dated 05.01.2010, to lift the order of freezing

of the bank account of the Petitioner and communicate the same to his bank and permit the Banker to release the amount to him. Since the said legal notice was not considered, this Writ Petition has been filed, seeking the relief as stated above. However, it is submitted by the learned counsel for the Petitioner that the Petitioner may be permitted to send a fresh representation to the Respondents, which may be ordered to be disposed of, within a time frame.

4. The learned counsel for the 1st Respondent would submit that the Petitioner had sent a legal notice through an Advocate and hence, the same was not considered, however, if any fresh representation is made by the Petitioner within a time to be stipulated by this Court, the same will be disposed of, within a time to be specified by this Court.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is of the considered view that the prayer in this Writ Petition to raise the freezing of the saving bank account of the Petitioner cannot be granted. However, liberty is granted to the Petitioner to make a fresh representation to the 1st Respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation within the said period, the 1st Respondent is directed to consider the same and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Srcm
To

1.The Deputy Director, Enforcement Directorate
Shastri Bhavan, Chennai-6.

+1 cc to Mr.M.Abdul Nazeer, Advocate Sr.No.81360 (02.01.2019)

+1 cc to Mr. Rajnish Pathiyil, Advocate Sr.No.88824(23.04.2019)

CSL/20.12.2018

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