



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.93 to 95/2017 and CMP.Nos.1636, 1638 and 1640/2017

1. Union of India
rep. by its Secretary,
Home Department, New Delhi.
2. The Directorate of Enforcement,
Government of India
rep. by its Deputy Director,
Room No.50, 6th Floor,
Lok Nayak Bhavan,
Khan Market, New Delhi.
3. The Directorate of Enforcement
rep. by its Director, Government of India,
Ministry of Finance, Cochin Zone,
4th Floor, Tharakkem Centre,
Banerjee Road, Cochin-682 018.
4. The Directorate of Enforcement,
Office of the Joint Director,
Directorate of Enforcement,
Chennai Zonal Office,
2nd and 3rd Floor,
Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai-600 006.

... Appellants/Respondents in all W.As.

-vs-

Cheruvathur Chakkutty Thampi @
C.C.Thampi

... Respondent/Petitioner in all W.As.

Prayer: Writ appeals filed under Clause 15 of the Letters Patent against the Common Order of the learned Single Judge made in W.P.Nos.1104 to 1106/2017 dated 24.01.2017.

PRAYER in W.P.No.1104 of 2017 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to forthwith withdraw the



LOC issued against the petitioner.

PRAYER in W.P.No.1105 of 2017 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to permit the petitioner to have the assistance of his legal counsel and auditor during all personal hearings before the respondents.

PRAYER in W.P.No.1106 of 2017 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in the impugned order bearing Ref.F.No.T-3/219/HQ/2015 dated 23.12.2016 and the Corrigendum in Ref.F.No.T-3/219/HQ/2015 dated 30.12.2016 and set aside the same as being arbitrary and illegal, and consequently directing the second respondent to forthwith release the petitioner's passport bearing No.Z3313067.

For Appellants : Mr.G.Rajagopalan,
Addl. Solicitor General of India
Assisted by Ms.G.Hema

For Respondent : Mr.Satish Parasaran,
Senior Counsel
for R.Parthasarathy

COMMON JUDGMENT

(Judgment of the Court was pronounced by T.RAJA.J)

This Writ Appeals have been directed against the Common Order dated 24.01.2017 made in W.P.Nos.1104 to 1106/2017 by a learned Single Judge of this Court.

2. Learned Counsel appearing for the appellants stated that insofar as the W.A.No.93/2017 is concerned, though the W.P.No.1104/2017 has been filed seeking to issue a Writ of Mandamus, directing the appellants herein/respondents therein to forthwith withdraw the Look Out Circular (LOC) issued against the writ petitioner/respondent herein, pursuant to the order dated 24.01.2017 passed by the learned Single Judge, directing the appellants to withdraw the LOC, it was withdrawn. Likewise, the prayer of the respondent herein in W.P.No.1105/2017 is concerned, it was also stated that the writ petitioner/respondent herein was allowed to take the assistance of his legal counsel and auditor on all personal hearings and now the enquiry is going on. Therefore, the prayers in these two Writ Appeal have already become infructuous. Now coming to the prayer in W.P.No.1106/2017 seeking a direction to the 2nd respondent to release the Passport bearing No.Z3313067 is concerned, pursuant to the earlier order passed by the Division Bench of this Court dated 02.02.2017, directing the 2nd respondent to release the passport, the same has been released



subject to the furnishing of an Undertaking before the Registrar-Judicial of this Court that the respondent would abide by the requirements to attend whenever he is called upon to do so by the Enforcement Directorate. Therefore, nothing survives for further adjudication in the W.A.No.95/2017 also. Hence, recording the same, all these Writ Appeals may be dismissed as infructuous, she pleaded.

3. Accepting the submissions made by the learned Counsel for the appellants herein, learned Senior Counsel for the respondent also submitted that the respondent has also filed an Undertaking before the Registrar-Judicial of this Court making it clear that he would abide by all the requirements to attend whenever he is called upon to do so. He further submitted that since the enquiry is going on subject to the release of the passport, the parties would abide by the same.

4. At the outset, considering the facts and circumstances of the case, it is relevant to extract the order dated 02.02.2017 passed by the Division Bench of this Court here under:

'Heard Sri.G.Rajagopalan, learned Additional Solicitor General and Sri.Satish Parasaran, learned Senior Counsel appearing for the writ petitioner.

2. Though Sri.G.Rajagopalan, learned Additional Solicitor General seeks us to grant stay of operation of the order rendered by the learned Single Judge, but however, Sri.Satish Parasaran, learned senior counsel appearing for the writ petitioner, has very rightly objected to grant of any such stay in absolute terms. All the more so, as the visa held by the writ petitioner in UAE would be expiring by 18.02.2017 and hence for seeking its extension/renewal his presence in UAE is needed and for him to undertake the travel, the passport bearing No.Z 3313067, which is impounded is required to be returned.

3. We have categorically examined the conduct of the writ petitioner. We are prima facie satisfied that he is appearing before the Enforcement Directorate whenever he is summoned, excepting on a couple of occasions because of the serious ailment of a close family member who ultimately died later on. We are now informed that the next date of interactive session is posted to 03.02.2017.

4. Therefore, we direct the appellant to return the passport bearing No.Z 3313067 of the writ petitioner latest before 12 Noon of 11.02.2017 to enable the writ petitioner to move out of this country by using the said passport. However, the writ petitioner shall furnish an undertaking to appear before the Enforcement Directorate, provided that he



WEB COPY

is at least given a minimum of three weeks duration prior notice, so that he can organize his affairs and also his trip and he shall also furnish an undertaking before the Registrar Judicial of this Court that he would abide by the requirements to attend whenever he is called upon to do so by the Enforcement Directorate. Look Out Circular (LOC) shall also stand withdrawn latest by 12 Noon of 11.02.2017.''

5. Recording the submissions of the learned Counsels on either side that pursuant to the direction issued by the learned Single Judge of this Court as well as the learned Division Bench of this Court, the prayers in all these three writ appeals have already been fulfilled, all these Writ Appeals are dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

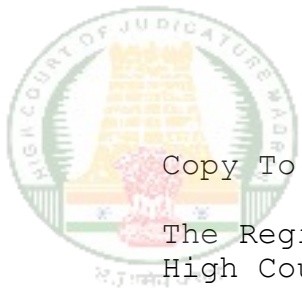
//True Copy//

Sub Assistant Registrar

Tsi

To

1. The Secretary,
Union of India,
Home Department, New Delhi.
2. The Deputy Director,
The Directorate of Enforcement,
Government of India
Room No.50, 6th Floor,
Lok Nayak Bhavan,
Khan Market, New Delhi.
3. The Director,
The Directorate of Enforcement
Government of India,
Ministry of Finance, Cochin Zone,
4th Floor, Tharakkem Centre,
Banerjee Road, Cochin-682 018.
4. The Directorate of Enforcement,
Office of the Joint Director,
Directorate of Enforcement,
Chennai Zonal Office,
2nd and 3rd Floor,
Murugesu Naicker Complex,
No.84, Greaves Road,
Chennai-600 006.



Copy To

The Registrar Judicial,
High Court, Madras.

WEB COPY

W.A.Nos.93 to 95/2017

PPA (CO)
GN (05/08/2021)