



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.01.2022**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.699 of 2022

Alla Pichai

... Petitioner/
Aggreived Person

Vs.

1.The State represented by
The Chief Investigation Officer,
National Investigation Agency (NIA),
Branch Office, Kochi, Kerala State.

2.The Investigation Officer,
National Investigation Agency (NIA),
NIA Branch Office, Chennai.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to direct the respondents not to harass the petitioner under the guise of enquiry without due process of law by considering the petitioner's representation, dated 29.12.2021.

For Petitioner : Mr.T.Mohan for Mr.B.Pandiyarajan

For R1 and R2 : Mr.Karthikeyan,
Standing Counsel for R.1 & R.2

For R3 : Mr.M.Sakthikumar
Government Advocate (Crl.side)

O R D E R

Heard the learned counsel on either side.

2.The petitioner alleges that he is being harassed by the officials of National Investigation Agency in the name of the enquiry without due process of law. According to him, he is being



repeatedly summoned orally and even without issuing formal summons. To forbear them from doing so, this Writ Petition has been filed.

3. Notice was issued to the learned Standing Counsel. The respondents have also filed their objections in writing. The stand of the National Investigation Agency is that a contraband containing a huge quantity of 300.323 kilograms heroin along with 05 numbers of AK-47 rifles and 1000 numbers of 9 MM ammunitions (mostly of Pakistan Ordinance Factory make) were seized in the territorial waters of Arabian Sea on 18.03.2021. In this regard, a criminal case was registered against number of persons. The National Investigation Agency has credible information that the petitioner is having links with A15, namely, Sathgunam @ Sabesan in this regard. The exact involvement and role played by the petitioner are sought to be investigated.

4. The learned Standing Counsel would further contend that even though final report has been filed, nothing stops the National Investigation Agency from conducting further investigation.

5. The counsel for the petitioner stated that the petitioner would appear before the Ernakulam Branch Office of National Investigation Agency on 14.02.2022 at 11.00 a.m. However, he wanted written summons to be issued. Since the learned Standing Counsel complains that the mobile phone of the petitioner is often switched off, by way of an *ad hoc* arrangement, National Investigation Agency is called upon to send the summons to the following address:

"M.Allah Pitchai, C/o, B.Pandiyarajan, 180, Chokanathapuram, Vilankudi, Madurai-625 018."

6. The Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Investigation Officer,
National Investigation Agency (NIA),
Branch Office, Kochi, Kerala State.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Investigation Officer,
National Investigation Agency (NIA),
NIA Branch Office, Chennai.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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TR(08.02.2022) 3P 5C