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W.P.No.25500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.25500 of 2023

M.Mohamed Anser

.. Petitioner

VS

1.The Superintendent/Appraiser/SIO,
Directorate of Revenue Intelligence
1103, Old No.1608, Trichy Road,
Coimbatore - 641 018.

2.The Deputy Director,
Directorate of Revenue Intelligence,
1103, Old No.1608, Trichy Road,
Coimbatore - 641 018

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to return back the petitioner's passport bearing No.T1083452, which is now under the possession of the respondents herein, in terms of the judgment of the Hon'ble Supreme Court in the case of Suresh Nanda v CBI in Cri.Appeal No.179 of 2008 dated 24.01.2008.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.V.Sundareswaran, SPC
for R1



W.P.No.25500 of 2023

ORDER

WEB COPY

The petitioner has sought a mandamus directing the respondents being the Superintendent / Appraiser/ SIO, Director and the Deputy Director, Directorate of Revenue Intelligence (R1 and R2 respectively) to return the petitioner's passport bearing No.T1083452 which, according to the petitioner, is in possession of the respondents.

2. Reliance is placed on the judgment of Hon'ble Supreme Court in the case of *Suresh Nanda v Central Bureau of Investigation in Crl.A.No.179 of 2008 dated 24.01.2008*. In that judgment, the Hon'ble Supreme Court was considering the prayer that no person can be deprived of his right to travel except in light of the procedures established by law. In that context, Bench express the opinion that even the Court cannot impound a passport, much less, a statutory authorities.

3. The respondents have filed counter dated 03.10.2023, wherein, at paragraph 14, they categorically deny that the petitioner's passport has been impounded by them. They draw attention to the mahazar which categorises the seized items to buttress their stand that no passport is mentioned therein.

4. The Court is now faced with two sworn affidavits,



W.P.No.25500 of 2023

making contrary assertions in regard to impounding of the passport by the respondents.

5. In light of the disputed factual matrix as above, this Court is not in a position to consider the prayer for mandamus as sought for by the petitioner. Reserving the right of the petitioner to seek remedy before any other appropriate forum, though in accordance with law, this writ petition stands dismissed. No costs.

16.11.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Superintendent/Appraiser/SIO,
Directorate of Revenue Intelligence
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Coimbatore - 641 018.
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W.P.No.25500 of 2023

DR. ANITA SUMANTH,J.

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W.P.No.25500 of 2023

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