



WEB COPY



W.P.No.9570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.9570 of 2024

Ahamed Zarook Pirabhu Shamu Naina

... Petitioner

Vs.

1. Union of India,
Deputy Director,
Directorate of Enforcement,
Government of India,
Chennai – 600 006.
2. Assistant Director,
Directorate of Enforcement,
Chennai Zonal Office, No. 2, 5th and 6th Floor,
BSNL Administrative Building,
Kushkumar Road, Nungambakkam,
Chennai – 600 034.
3. Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai – 625002.
Tamil Nadu.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the second respondent to consider the representation dated 15.11.2023 to withdraw the look out circular



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certificate issued by the second respondent as well as to direct the third respondent to process the passport renewal application without reference to the lookout circular and consequentially direct the respondents to permit the petitioner to travel abroad.

For Petitioner	: Ms.Shakeenaa A.G.
For R1and R2	: Mr.N.Ramesh Senior Panel Counsel for ED
For R3	: Dr.G.Babu CGSC

ORDER

The Writ of Mandamus has been instituted to direct the 2nd respondent to consider the representation dated 15.11.2023, to withdraw the lookout circular certificate issued by the Directorate of Enforcement as well as to direct the Regional Passport Office to process the passport renewal application without reference to the lookout circular and consequently, direct the respondents to permit the petitioner to travel abroad.

2. The representation submitted by the petitioner reveals that it was sent by an Advocate, who represent the case of the petitioner before the



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Enforcement Directorate. Such representations sent by the Lawyers would not provide a cause for instituting the writ petition, seeking the relief to direct the Authorities to consider.

3. Mr.N.Ramesh, learned Senior Panel Counsel appearing on behalf of the 1st and 2nd respondents would submit that already the petitioner's name has been included in FEMA case and summon has been issued by the competent Authority of the Enforcement Directorate. The petitioner appeared once before the Enforcement Directorate Authorities. Further, the investigations are in progress.

4. Dr.G.Babu, learned Central Government Standing Counsel appearing on behalf of the 3rd respondent would submit that the Passport Authority has issued Show cause Notice to the petitioner seeking explanations.

5. *Prima facie*, it is established that the petitioner has been implicated in a FEMA case. Therefore, actions are also initiated by the Regional Passport Officer. Therefore, direction to consider the representation



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if issued, would do no service to the cause of justice. Therefore, the petitioner is bound to face the inquiries and investigations and defend his case.

6. With the above observations, the Writ Petition stands **dismissed** at the admission stage itself. No costs.

08.04.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM,J.

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