



W.A.No.1596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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Mohammed Mohideen Isthikar

.. Appellant

Vs

1.Bureau of Immigration,
Haddow Road, Thousand Lights West,
Thousand Lights,
Chennai-600 008.

2.The Deputy Director,
Director of Enforcement, Chennai
Office of the Joint Director,
Enforcement Directorate,
Chennai Zonal Office,
2nd and 3rd Floor, Murugesu Naicker Complex,
No.84, Creams Road,
Chennai-600 006.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 2.4.2024 passed by the learned Single Judge in W.P.No.34128 of 2023.



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For the Appellant : Mr.Nithyaesh Nataraj
for M/s.Vaibhav Rangarajan
Venkatesh

For the Respondents : Mr.S.Janarthanam
SPCGC
for respondent No.1

: Mr.N.Ramesh
Spl. PP (ED)
for respondent No.2

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Heard Mr.Nithyaesh, learned counsel for the appellant;
Mr.S.Janarthanam, learned Senior Panel Counsel for the first
respondent; and Mr.N.Ramesh, learned Special Public Prosecutor
(Enforcement Directorate) for the second respondent.

2. Challenging the order of the learned Single Judge dated
2.4.2024 in W.P.No.34128 of 2023 dismissing the writ petition, the
appellant has filed the present writ appeal.

3. The appellant has filed the writ petition seeking direction
against the respondents to permit him to travel abroad.



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4. The learned Single Judge declined the prayer of the appellant holding that, in the event of granting permission to the appellant to travel abroad, the same would hamper further investigation to be conducted by the Agency in the manner known to law. Aggrieved by the said finding, the appellant is before us.

5. The grievance of the appellant is that the appellant is unable to travel abroad because of the issuance of a look out notice by the second respondent. The case registered against the appellant under various provisions of the Foreign Exchange Management Act (FEMA), 1999 is under investigation and the appellant is cooperating with the Agency and he had also provided the information available with him. It is stated by the appellant that he is running a business in Hong Kong and he has to travel to Hong Kong to run his business. The properties of the appellant were also attached and the family of the appellant is residing in Chennai.

6. Today, when the writ appeal is taken up for hearing, learned



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Special Public Prosecutor (ED) appearing for the second respondent, on instructions, submitted that if the appellant gives an assurance that he will be present for enquiry or during the proceedings initiated under FEMA Act, then the Court may pass appropriate orders.

7. Learned counsel for the appellant submitted that the appellant shall cooperate with the second respondent for enquiry and be present as and when he is summoned during the proceedings.

8. In the light of the above submissions, we issue the following directions:

(a) The appellant shall go over to the office of the second respondent and give an affidavit of undertaking before the second respondent that he will attend the enquiry or appear during the proceedings, as and when required by the second respondent.

(b) On such undertaking being given by the appellant, the second respondent shall take steps to keep the look out notice in abeyance to ensure the free movement of



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the appellant from and to India.

(c) If the appellant violates the undertaking or does not cooperate with the second respondent during the conduct of the enquiry or proceedings, the look out notice can once again be renewed or issued afresh against the appellant.

9. With these directions, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.11129 of 2024 is closed.

(R.M.D., ACJ.) (M.S.Q., J.)
13.06.2024

Index : Yes/No
NC : Yes/No
bbr

To

1.Bureau of Immigration,
Haddow Road, Thousand Lights West,
Thousand Lights,
Chennai-600 008.

2.The Deputy Director,
Director of Enforcement, Chennai
Office of the Joint Director,



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Enforcement Directorate,
Chennai Zonal Office,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

bbr

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