



W.P.(MD) No.9886 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**W.P.(MD) No.9886 of 2018**

1.S.Majitha Banu

2.Y.Shahul Hameed

... Petitioners

Vs.

1.The Assistant Director,  
Directorate of Enforcement,  
Madurai Sub Zonal Office,  
Old No.42, New No.6,  
Besant Road, Chokkikulam,  
Madurai.

2.The Bank of India,  
Rep. by its Manager,  
Vani Branch,  
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondent to foreclose the fixed deposit opened by the first respondent out of the money of the petitioners and direct the second respondent Bank, to release the money in favour of the petitioners by considering the representation of the petitioners dated 06.02.2018, within the time that may be stipulated by this Court.



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For Petitioners : Mr.P.Mohammed Suhail  
for M/s.Ajmal Associates

For R1 : Mr.R.Vijayarajan

For R2 : No appearance

### **ORDER**

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondent to foreclose the fixed deposit opened by the first respondent out of the money of the petitioners and direct the second respondent Bank, to release the money in favour of the petitioners by considering the representation of the petitioners dated 06.02.2018, within the time that may be stipulated by this Court.

2. At the time when the proceedings were pending against the petitioners before the Adjudicating Authority under Section 3 of the Foreign Exchange Management Act, 1999, the Accounts of the petitioners, in which, Fixed Deposit were made by them, were ordered to be freezed by the first respondent and the amounts were transferred to the account of the first respondent.



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3. *Post facto*, an Adjudication Order-in-Original No.DD/CEZO-II/03/2024 (RV), dated 08.04.2024 has been passed by the Deputy Director, CEZO-II, the Adjudicating Authority. The operative portion of the said Adjudication Order reads as under:-

### 15. **ORDER**

15.1 In view of the above discussions and findings and having regard to the facts and circumstances of the case and pursuant to the powers vested with me under Section 13(1) of FEMA, 1999, **I hereby impose the following penalties on the Noticees mentioned against each of them:-**

| S. No. | Name of the Noticees                      | Sections and Regulations Contravened                                                                                                  | Penalty Amount |
|--------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1.     | Shri Nagoor Pitchai<br>(Noticee No.3)     | Section 3 (c) of Foreign Exchange Management Act, 1999 <b>to the extent of Rs. 21,00,000/- (Rupees Twenty One Lakhs only).</b>        | Rs.10,000/-    |
| 2.     | Shri S. Sulthan Maideen<br>(Noticee No.4) | Section 3 (b) of Foreign Exchange Management Act, 1999 <b>to the extent of Rs. 42,00,000/- (Rupees Forty Two Lakhs only).</b>         | Rs.15,000/-    |
| 3.     | Shri N. Nasar Mohamed<br>(Noticee No.5)   | Section 3 (b) of Foreign Exchange Management Act, 1999 <b>to the extent of Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand only).</b> | Rs. 5,000/-    |





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4. Since the proceedings against the petitioners have been dropped *vide* the aforesaid Adjudication Order, I see no impediment in allowing this Writ Petition. The respondents are directed to take steps to release the amount in the Fixed Deposits to the petitioners, in accordance with the aforementioned Adjudication Order, as expeditiously as possible.

5. Accordingly, this Writ Petition is allowed. No costs.

25.07.2024

Index: Yes / No  
Neutral Citation: Yes / No  
Speaking Order / Non-Speaking Order

JEN

Copy To:

1.The Assistant Director,  
Directorate of Enforcement,  
Madurai Sub Zonal Office,  
Old No.42, New No.6,  
Besant Road, Chokkikulam,  
Madurai.

2.The Manager,  
Bank of India,  
Vani Branch,  
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**C.SARAVANAN, J.**

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