



\$~83

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 949/2024

BETHI MAHENDER REDDY

..... Petitioner

Through: Mr. Akshay Mann, Adv.

versus

DIRECTORATE OF ENFORCEMENT & ANR.

..... Respondents

Through: Mr. Ravi Prakash (CGSC)
& Mr. Ali Khan, Adv. for
ED.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

21.03.2024

1. The present petition is filed seeking directions to the respondent to initiate effective investigation against the mining mafia for their alleged act of illegal mining and illegal transportation of mineral.
2. The petitioner claims to be a resident of the area where the alleged illegal mining is taking place.
3. On being asked as to why the present petition is filed before this Court, the learned counsel for the petitioner submits that a representation was given to the Prime Minister's Office and since the Headquarters of the Enforcement Directorate is also located in Delhi, therefore the petition is filed in the Delhi High Court.
4. It is not disputed that the alleged act of illegal mining is allegedly taking place in Telangana. The petitioner is also admittedly resident of Telangana. It is not disputed that the Enforcement Directorate has its Zonal Office in Telangana and

W.P.(CRL) 949/2024

Page 1 of 3



investigation at initial stages carried out by the Directorate of Enforcement, Zonal Office, Hyderabad.

5. The learned Standing Counsel for the respondent, who appears on advance service, also submits that it is an admitted case that preliminary investigations have already taken place and any action, if necessary, will be taken.

6. He further submits that based on the preliminary investigation a complaint under the Foreign Exchange Management Act, 1999 has already been filed by Hyderabad Zonal Office, Enforcement Directorate against the errant companies. He submits that the show cause notices have also been issued.

7. It is a settled law that a small part of cause of action when arises within the territorial jurisdiction of the High Court, by itself cannot be the determinative factor compelling the High Court to decide the matter on merit. The High Court in appropriate cases can refuse to exercise its discretionary jurisdiction on the doctrine of forum conveniens.

8. As noted above, the petitioner, in order to maintain the writ petition within the territorial jurisdiction of this Court, has pleaded that a representation was given to the Prime Minister's Office which is situated in Delhi and that the Headquarters of the Enforcement Directorate is also located in Delhi. Besides, the said aspect, admittedly, the entire cause of action and also the petitioner and the Office of the Directorate of Enforcement, which is investigating the alleged act of illegal mining, is located in Telangana.

9. Thus, even if it is to be assumed that the location of the Prime Minister's Office gives rise to the cause of action, the same in the opinion of this Court, is a miniscule part.

W.P.(CRL) 949/2024

Page 2 of 3



10. In view of the above, this Court finds no merit in the present petition. The same is dismissed on the merits as well as on the ground of territorial jurisdiction.

AMIT MAHAJAN, J

MARCH 21, 2024

“SK”