



W.P.No.486 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.486 of 2025
& W.M.P.No.577 of 2025

Shahul Hameed,
Old No.129, New No.119,
Seihul Akbar Street,
Melapalayam Post,
Tirunelveli - 627 005

... Petitioner

/versus/

1. Union of India,
Rep. by Deputy Director,
Directorate of Enforcement,
Government of India,
Chennai - 600 006.

2. The Assistant Director,
Directorate of Enforcement,
Chennai Zonal Office,
No.2, 5th & 6th Floor, BSNL Administrative Building,
Kushkumar Road,
Nungambakkam,
Chennai 600034.

3. The Commissioner of Immigration,
Bureau of Immigration,
Haddows Road, Thousand Lights West,
Thousand Lights,
Chennai 600 008.

... Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to withdraw the Look out Circular issued in File No.T3/56/CEZO/2016 on the file of 2nd Respondent and pass orders.

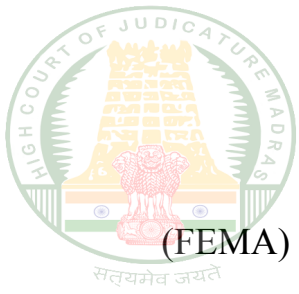
For Petitioner :Ms.R.Maheswari.

For Respondents :Mr.N.Ramesh, Sr.PC,
for R1 to R3

ORDER

The writ petition is filed for a mandamus, directing the 2nd respondent to withdraw the Look out Circular issued in File No.T3/56/CEZO/2016 on the file of 2nd Respondent and pass such further or other orders.

2. The Learned Counsel for the petitioner taking this Court through the affidavit filed in support of the writ petition would submit that the petitioner is a businessman having several business interest abroad and he has to travel to other countries. The Look Out Circular is now issued against with reference to an investigation in F.No.T3/56/CEZO/2016, whereby the Enforcement Directorate is levelling Foreign Exchange Management Act



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(FEMA) violations involving a sophisticated network by which an illegal remittance approximately of Rs.1,274/- crores (US\$ 204 million) outside India between September-2014 and January-2015 by using fictitious “Tour Operators” name and forged documents is alleged.

3. The Learned Counsel for the petitioner would submit that already the petitioner has appeared for the enquiry. The purpose of Lookout notice is only to bring the person before the Law Enforcement Agency or if the case is pending to make him appear before the Court. Once the person submit himself to the Law Enforcement Agency, thereafter on a permanent basis, lookout circular cannot be issued. The judgment of the Division Bench of this Court in ***Karti P.Chidambaram vs. Bureau of Immigration and Others*** reported in ***MANU/TN/3645/2018*** and ***Mohammed Jawahar vs. Union of India*** dated 13.09.2023 are relied upon by the learned Counsel. Further, the Learned Counsel for the petitioner would also submit that relating to the very same investigation, an order has been passed, in respect of similarly placed accused, the writ petitions were allowed by order dated 13.09.2023 in W.P.No.22098 of 2023.



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4. Mr.N.Ramesh, Learned Counsel appearing on behalf of the respondents by relying upon the reply affidavit that is filed by the second respondent would submit that factually the case of the petitioner is different from the earlier cases. In all the earlier cases, the accused has cooperated for the enquiry and subjected themselves before the Law Enforcement Agencies. Only thereupon, even concession were granted by the second respondent. In the instant case, even though it is submitted by the Learned Counsel for the petitioner that he appeared, the petitioner never properly appeared for the enquiry and cooperated for the investigation. Only for binding the petitioner for an enquiry before the Law Enforcement Agency, the Lookout Circular is in force as on date. Unless the said purpose is satisfied, the lookout circular cannot be varied or revoked in the instant case. Further, the Learned Counsel would further submit that in the earlier order that is passed on 13.09.2023 in W.P.No.22098 of 2023 relates to a different case in File No.T-3/88/CEZO/C/2015 and not the very same case.

5. I have considered the rival submissions made on either side and perused the material records of the case.



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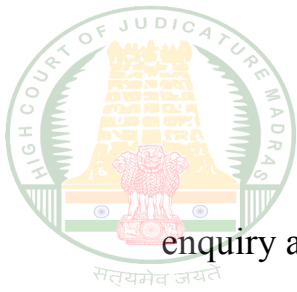
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6. By virtue of the Division Bench judgement of this Court in ***Karti P.Chidambaram vs. Bureau of Immigration and Others*** reported in ***MANU/TN/3645/2018***, the law has been settled by this Court that the Lookout Circular is for the purpose of bringing the person before the Law Enforcing Agency and to make him subject to the law of the land for investigation or facing the case. Once the person appears before the concerned authority, then it cannot be permanently left against the person so as to restrict his movement.

7. However, in the instant case, it is the submission made by the second respondent that the petitioner has not even cooperated for the enquiry. At the same time, the Lookout circular cannot be internally kept open against the petitioner.

8. In view thereof, this writ petition is disposed of on the following terms:

(i) The petitioner shall appear before the second respondent for an enquiry on 30/04/2025 or any such subsequent date as may be indicated by the second respondent thereafter. The second respondent shall conduct such



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enquiry as per law and the petitioner shall also cooperate with the enquiry.

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(ii) Once the petitioner cooperates for the enquiry on 30.04.2025 and second respondent shall complete the enquiry within a period of six weeks there from. Once, the enquiry had progressed substantially, then the petitioner shall file an affidavit undertaking before the second respondent that he will attend for further enquiry or appear during the proceedings as and when required by the second respondent.

(iii) On such undertaking given by the petitioner, the second respondent shall take steps to keep the Look Out Notice in abeyance to ensure the free movement of the petitioner from and to India. If the petitioner violates the undertaking or does not cooperate with the respondent during the conduct of the enquiry or proceedings, the lookout notice once again can be renewed and issue afresh against the petitioner.

Consequently, connected Miscellaneous Petition is closed. No costs.

23.04.2025

Neutral citation :No.



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To,

1. The Deputy Director,
Union of India,
Directorate of Enforcement,
Government of India,
Chennai - 600 006.

2. The Assistant Director,
Directorate of Enforcement,
Chennai Zonal Office,
No.2, 5th & 6th Floor, BSNL Administrative Building,
Kushkumar Road,
Nungambakkam,
Chennai 600034.

3. The Commissioner of Immigration,
Bureau of Immigration,
Haddows Road, Thousand Lights West,
Thousand Lights,
Chennai 600 008.

4. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

bsm

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