



W.P.No.3604 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :23.04.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.3604 of 2025
& W.M.P.No.3994 of 2025

1. Mohamed Mohideen Isthikar,
2. Noorul Ain,
Both residing at 23, 6th Street, A.K.Samy Street.
Secretariat Colony,
Kellys, Chennai 600010

... Petitioner

/versus/

The Joint Director,
Directorate of Enforcement,
Ministry of Finance,
Govt, of India, Chennai-I Zonal Office, 2nd & 3rd Floors,
Murugesu Naicker Complex,
84, Greaves Road,
Chennai 600 006.

... Respondent

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to withdraw the restrictions imposed by the respondent in operating the bank accounts of the petitioners and their firm and in transferring the immovable properties owned by the petitioners and return the documents to the petitioners within a period as may be fixed by this Hon'ble Court.



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For Petitioners :Ms.R.Maheswari
For Respondent :Mr.V.Ramesh, Spc.PP (ED)

ORDER

This writ petition is filed for a mandamus, (i) directing the respondent to withdraw the restrictions imposed by the respondent in operating the bank accounts of the petitioners and their firm (ii) transferring the immovable properties owned by the petitioners and, (iii) return the documents to the petitioners

2. The first prayer of the petitioner is to permit the petitioner to operate the bank account of the petitioner and their firm. It can be seen that while carrying out investigation for Foreign Exchange Management Act (FEMA), violations an order was passed under Section 37 of FEMA 1999 read with Section 132 (3) of the Income Tax Act, whereby the operations of the bank accounts were freezed by the Deputy Director, Directorate of Enforcement, Chennai on 24.11.2021. Now we are in the year 2025.

3. When the matter came up for hearing, it is ascertained from the Learned Counsel for the petitioner that no further proceedings of attaching the



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monies that are lying in the bank account has been made. Since four years have

passed after the impugned communication of freezing is issued, in view of the fact that subsequently no attachment order has been passed, it is made clear that the petitioner will be entitled to operate the said bank accounts.

4. The second prayer that is made in the writ petition is to permit the petitioner to sell the immovable properties. In this regard also, the same Officer by the communication dated 21.11.2021, a letter was sent to the Joint Sub Registrar-II, Thousand Lights, Chennai, not to permit the transfer of the properties mentioned therein, without the previous permission of the Officer. With reference to this also, the Learned Counsel appearing on behalf of the respondent would submit that subsequently there are no proceedings of attachment and there is no impending proceedings which is now proposed to be taken with reference to the said property. In respect of this also, for the past 4 years, no attachment order has been passed. Therefore, even after the further investigation, no steps have been taken to attach the properties, the petitioner cannot be permanently restrained from transferring or dealing with the properties. In view of the above, the said communication can also be revoked by the respondent.



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5. The third prayer that is made is to return the documents to the petitioner. The grievance of the petitioner is that the aforesaid property documents have also been entrusted to the respondent during the course of the enquiry. In order to deal with the property, the petitioner may need the said documents.

6. The Learned Counsel for the respondent would submit that the petitioner shall make a representation and the same shall be considered and orders will be passed and the documents if any will be returned to the petitioner since the properties alone to be transferred.

7. In view thereof, this writ petition is allowed on the following terms:

(i) The first respondent shall issue communication to the Manager, HDFC Bank, Chennai withdrawing his earlier communication, dated 24.11.2021 with reference to the accounts in the name of the petitioner- Mohamed Mohideen Isthikar, in the name of M/s.Star Superstores and in the name of Smt.Noorul Ain.



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(ii) The respondent shall also issue a communication to the Joint

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Sub Registrar-II revoking his earlier communication dated 24.11.2021 in respect of Document No.603/2016 relating to the flat at No.28, Palatsankaran Street, Kodambakkam, Chennai and also Document No.448/2014, the vacant land being 4471 sq.ft in Plot No.17, Shiny City, Kullangudi village, Ramanathapuram; Document No.681/2013, dated 05.02.2013 registered with Sub Registrar, Valipattinam being vacant land of 1749 sq.ft at Bharathi Nagar, Pattankathan Village, Ramanathapuram; in respect of Settlement deed No.1268/2021, dated 27.01.2021 registered with Sub Registrar, Velipattinam in respect of building and premises bearing Ground and First floor constructed in 1386 sq.ft out of 1749 sq.ft of land at Bharathi Nagar, Pattankathan Village, Ramanathapuram, in the name of Smt.Noorul Ain.

(iii) The said exercise shall be carried out by the respondent within a period of six (6) weeks from the date of receipt of web copy of the order without waiting for the certified copy of the order.



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(iv) Within one week from the date of receipt of the web copy of the order, the petitioner shall also make a representation for return of documents on which also the documents shall be returned and orders be passed within a period of six weeks from the date of receipt of the representation

Consequently, connected Miscellaneous Petition is closed. No costs.

23.04.2025

Neutral citation :No.

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To,

1. The Joint Director,
Directorate of Enforcement,
Ministry of Finance,
Govt, of India, Chennai-I Zonal Office, 2nd & 3rd Floors,
Murugesha Naickar Complex,
84, Greames Road,
Chennai 600 006.

2. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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