



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 5957 of 2009

and

M.P.No.1 of 2009

Shri C. Sampath Kumar
Son Of V.M. Chellappa
F-B2 Industrial Estate, Ambattur
Chennai 600 058

Petitioner(s)

Vs

1. The Special Director Of
Enforcement Enforcement Directorate
Government Of India
6thfloor Lok Nayak Bhavan,
Khan Market New Delhi 110 003

2.The Deputy Director Of
Enforcement Directorate Of
Enforcement Government Of India,
3rd Floor, 3rd Block
26, Haddows Road, Chennai 60006

Respondent(s)



PRAYER

calling for the records of the first respondent made in order No.SDE/PKD/IV/01/2009 dated 07.01.2009 in File No.T-4/26/D/95 and quash the same.

For Petitioner: M/s.B.Satish Sundar
N.Balaji
S.Baskaran

For Respondents: Mr.N.Ramesh Special
Government Pleader

ORDER

This writ petition challenges the order passed by the Special Director of Enforcement, Enforcement Directorate, New Delhi in order No.SDE/PKD/IV/01/2009 dated 07.01.2009 in File No.T-4/26/D/95.

2. Two points were urged by Mr.Satish Sundar, viz., that the adjudicating authorities did not await the result of the criminal proceedings despite being intimated of the same. Secondly, he pleaded that after the impugned order had been passed in this case, the petitioner underwent the ordeal of trial in C.C.No.257 of 1997 before the Chief Metropolitan Magistrate (E.O.I), Chennai and had been acquitted from all the charges on 4.6.2014.

3. Mr.Satish wanted me to look into the records and proceed with the writ



petition. I am afraid I cannot accede to such a request for the simple reason that, in a writ petition under Article 226 of the Constitution, I am not sitting as an appellate authority over the order passed by the respondent. My role is to see whether the authority has jurisdiction, or whether he has violated the principles of natural justice, or whether he has taken into consideration any irrelevant material or left out any relevant material, rendering the order perverse.

4. Since Mr.Satish is heavily placing reliance on the order of acquittal, I feel that the appropriate remedy available to him is to prefer an appeal.

5. A perusal of the papers shows that the order dated 07.01.2009 was served on the writ petitioner only on 21.01.2009. Within the period stipulated in the Foreign Exchange Management Act, 1999, the petitioner has filed this writ petition on 9.3.2009. Therefore, I cannot find that there is any laches or delay on the part of the petitioner. Hence, the petitioner shall prefer an appeal under Section 19 of the Foreign Exchange Management Act, within a period of 15 days from today.

6. In case, the appeal is filed within the above said period, then the Registry of the appellate authority shall number the appeal, without reference to



limitation. If it is open to the petitioner, he is entitled to bring before the appellate authority any new records he so desires. The writ petition is dismissed with the above liberty. No costs. The connected miscellaneous petition is also dismissed.

17-10-2025

ssk.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note to office:-

Original order filed alongwith the writ petition shall be returned to the counsel on record on making necessary endorsement.



To
WEB COPY

1.The Special Director Of
Enforcement Enforcement Directorate
Government Of India 6thfloor Lok
Nayak Bhavan, Khan Market
New Delhi 110 003

2.The Deputy Director Of
Enforcement Directorate Of
Enforcement Government Of India,
3rd Floor,
3rd Block 26, Haddows Road,
Chennai 60006



WEB COPY



V.LAKSHMINARAYANAN J.

ssk.

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