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CNR: KAHC010533932026

NC: 2026:KHC:41344  
WP No. 24293 of 2026



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO.24293 OF 2026 (GM-RES)**

**BETWEEN:**

MR FAIR VAKKAYIL JOHN  
AGED ABOUT 45 YEARS,  
C/O, P. D. JOHN,  
NO. 34, A PENIEL, 3<sup>RD</sup> CROSS,  
ASHIRWAD NAGAR, ST. NORRBET SCHOOL ROAD,  
KRC ROAD DODDAGUBBI, KOTHANUR,  
PO:KOTHANUR,  
BANGALORE-560 077.

...PETITIONER

(BY SRI. SANDESH J. CHOUTA., SR. COUNSEL FOR  
SRI. MAHESH Y L., ADVOCATE)

**AND:**

1. THE UNION OF INDIA  
REP, THE SECRETARY,  
DEPARTMENT OF REVENUE,  
MINISTRY OF FINANCE, NORTH BLOCK,  
NEW DELHI-110 001.
2. THE DIRECTOR,  
DIRECTORATE OF ENFORCEMENT,  
GOVERNMENT OF INDIA,  
DEPARTMENT OF REVENUE,  
MINISTRY OF FINANCE,  
ROOM NO. 201, PRAVARTAN BHAVAN,  
DR. A.P.J. ABDUL KALAM ROAD,  
NEW DELHI-110 011.
3. THE ADDITIONAL DIRECTOR.,  
DIRECTORATE OF ENFORCEMENT,



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BENGALURU ZONAL OFFICE,  
HMT MACHINE TOOLS LTD COMPOUND,  
BANGALORE COMPLEX,  
NEAR HMT CIRCLE, JALAHALLI,  
BENGALURU - 560 013.

4. CHIEF VIGILANCE OFFICER,  
DIRECTORATE OF ENFORCEMENT,  
ROOM NO. 201, PRAVARTAN BHAVAN,  
DR. A.P.J ABDUL KALAM ROAD,  
NEW DELHI-110 011
5. THE CHIEF COMMANDANT,  
CENTRAL INDUSTRIAL SECURITY FORCE,  
CISF UNIT,  
KEMPEGOWDA INTERNATIONAL AIRPORT,  
DEVANAHALLI,  
BENGALURU - 560 300.
6. THE MANAGING DIRECTOR,  
BANGALORE INTERNATIONAL AIRPORT LIMITED,  
ADMINISTRATIVE BLOCK,  
KEMPEGOWDA INTERNATIONAL AIRPORT,  
DEVANAHALLI,  
BENGALURU - 560 300.
7. THE REGIONAL EXECUTIVE  
DIRECTOR (SOUTHERN REGION),  
AIRPORTS AUTHORITY OF INDIA,  
OPERATIONAL OFFICES COMPLEX,  
MEENAMBAKKAM,  
CHENNAI-560 030.
8. THE ASSISTANT DIRECTOR,  
DIRECTORATE OF ENFORCEMENT,  
GOVERNMENT OF INDIA,  
DEPARTMENT OF REVENUE,  
MINISTRY OF FINANCE,  
HEADQUARTER INVESTIGATION  
UNIT -I ZONAL OFFICE,  
PRAVARTAN BHAVAN,  
DR. A.P.J. ABDUL KALAM ROAD,  
NEW DELHI-110 011.

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...RESPONDENTS

(BY SMT. ANUPARNA BORDOLOI., ASG FOR R1 TO R4, R5 & R8;  
SRI. MANU KULKARNI., ADVOCATE FOR R6;  
SRI. J. HUDSON SAMUEL., ADVOCATE FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS, OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, DIRECTING THE RESPONDENT NO. 3 AND 4 TO FORTHWITH CONSIDER ANNEXURE-A AND DECIDE THE PETITIONERS REPRESENTATION DATED 25 JULY 2026 SEEKING SUBSTITUTION OF THE INVESTIGATING OFFICER AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

### **ORAL ORDER**

1. Smt. Anuparna Bordoloi, learned counsel accepts notice for respondent Nos.1 to 5 and 8.
2. Sri Manu Kulkarni, learned counsel accepts notice for respondent No.6.
3. Sri Joshua Samuel, learned counsel is directed to accept notice for respondent Nos.7.
4. The petitioner is before this Court seeking for the following reliefs:

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- 1. Issue a writ of mandamus, or any other appropriate writ, order, or direction, directing the Respondent No. 3 & 4 to forthwith consider ANNEXURE-A, and decide the Petitioner's representation dated 25 July 2026 seeking substitution of the Investigating Officer;*
- 2. Issue an appropriate writ, order, or direction directing the Respondent No.2 to entrust the inquiry or Investigation concerning the Summons bearing No. PMLA/SUMMON/HIU-1/2026/3436ANNEXURE-C dated 9 July 2026 to a competent, independent, and uninvolved officer other than Mr. Sunil Kumar Sinhmar, Assistant Director, Directorate of Enforcement;*
- 3. Issue an appropriate writ, order, or direction directing the Respondent No. 5 & 6, to preserve, secure, and produce before this Hon'ble Court the complete CCTV footage from 11:00 p.m. on 17 April 2026 until 11:00 p.m. on 18 April 2026, including all footage relating to the arrival, interception, movement, detention, and exit of the Petitioner and Mr. Micah Mark, together with the requisite certificate, access records, and chain-of-custody particulars;*
- 4. Grant such other or further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interests of justice and equity.*
5. Sri Sandesh Chouta, learned Senior Counsel appearing for the petitioner, submits that the petitioner has a reasonable apprehension that the Investigating Officer is biased and prejudiced against him and, therefore, would not conduct a fair and impartial investigation. It is submitted that on

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account of the alleged bias, the petitioner addressed a representation dated 25.07.2026 to the Director, Directorate of Enforcement, requesting that the Investigating Officer be recused from the investigation and that the investigation be entrusted to another independent officer who had no prior involvement in the events of 18.04.2026 or the proceedings that followed.

6. Learned Senior Counsel submits that, by the said representation, the petitioner has also requested that no coercive steps be taken against him until the representation is considered and an appropriate decision is taken by the competent authority. It is further submitted that copies of the representation were marked to the Hon'ble Minister of Finance, the Secretary, Department of Financial Services, the Chief Vigilance Officer of the Directorate of Enforcement, the Hon'ble Chief Justice of the High Court of Delhi and the Hon'ble Chief Justice of India.
7. This Court is unable to approve either the substance of the representation or the manner in which it has been addressed.
8. At the outset, it is well settled that a person against whom an investigation is being conducted does not

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possess a vested right to choose, nominate or seek substitution of the Investigating Officer merely because he entertains a subjective apprehension regarding the conduct of the investigation. The investigation is carried out by the investigating agency through officers appointed in accordance with law. Unless a clear case of mala fides, demonstrable bias, lack of jurisdiction or abuse of process is made out before a competent Court, the person under investigation cannot insist that the investigation should be conducted by an officer of his choice or seek the recusal of the Investigating Officer as a matter of right.

9. In the present case, except making a general allegation that the Investigating Officer is prejudiced against him, no material has been placed before this Court which would prima facie justify an inference that the investigation is actuated by mala fides or that the Investigating Officer has disabled himself from conducting a fair investigation. Mere apprehension or dissatisfaction on the part of the petitioner, howsoever strongly expressed, cannot by itself constitute a legal ground for directing substitution of the Investigating Officer.



10. Equally objectionable is the manner in which the petitioner has chosen to ventilate his grievance. The representation has not merely been addressed to the competent authority within the Directorate of Enforcement. Copies thereof have been forwarded to the Hon'ble Minister of Finance, the Secretary, Department of Financial Services, the Chief Vigilance Officer of the Directorate of Enforcement, the Hon'ble Chief Justice of the High Court of Delhi and the Hon'ble Chief Justice of India. It is further brought to the notice of this Court that copies were also transmitted to the official e-mail addresses of the High Court of Delhi and the Supreme Court of India.
11. The constitutional courts do not entertain administrative representations relating to pending investigations through letters or e-mails addressed to the Hon'ble Chief Justices. Judicial intervention can be sought only by invoking the jurisdiction of the competent Court in accordance with the procedure established by law. Addressing representations concerning pending investigations to constitutional authorities who are neither the statutory decision-makers nor otherwise concerned with the conduct of the investigation serves no legitimate legal purpose and has the potential of creating an impression that



an attempt is being made to secure intervention through channels outside the judicial process.

12. Such a course cannot be approved. If litigants or persons under investigation are permitted to routinely mark representations concerning pending investigations to constitutional authorities, including the Hon'ble Chief Justices of Constitutional Courts, it would encourage a practice which is wholly inconsistent with established judicial procedure and institutional discipline. Any grievance regarding the fairness of an investigation must be urged before the competent forum in accordance with law and not through communications addressed to constitutional functionaries who are not expected to deal with such representations administratively.
13. This Court, therefore, considers it appropriate to deprecate the conduct of the petitioner in forwarding the representation to the aforesaid constitutional authorities. The practice deserves to be strongly discouraged. Such conduct would warrant the imposition of exemplary costs so as to deter similar attempts in future. However, this Court refrains from imposing exemplary costs and imposes cost of Rs.1,00,000/-, while making it clear that any

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repetition of such conduct in future may invite appropriate consequences, including the imposition of exemplary costs.

14. Insofar as Prayer No.2 seeking a direction to transfer the investigation to another officer is concerned, no case has been made out warranting the exercise of the extraordinary jurisdiction of this Court. In the absence of any cogent material demonstrating bias, mala fides or any legal infirmity in the investigation, no direction can be issued requiring the Directorate of Enforcement to substitute the Investigating Officer. The said prayer is, accordingly, rejected.
15. Insofar as Prayer No.3 is concerned, Sri Manu Kulkarni, learned counsel appearing for respondent No.6, submits, on instructions, that in accordance with the applicable policy governing the CCTV system maintained by respondent No.6, surveillance footage is preserved only for a period of 30 days, after which the recordings are automatically overwritten in the ordinary course of the system's functioning.
16. It is, therefore, submitted that the CCTV footage relating to 17.04.2026 and 18.04.2026 is no longer available, the same having been overwritten in the ordinary course after expiry of the retention period.

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Consequently, the said footage cannot now be furnished either to the petitioner or to the investigating agency.

17. The said submission is placed on record.
18. In view of the above, this Court passes the following:

**ORDER**

- i. The writ petition is ***disposed of*** in terms of the observations made hereinabove.
- ii. The cost of Rs.1,00,000/- imposed on the petitioner payable to the Karnataka State Legal Service Authority within a period of 15 days from the date of receipt of a copy of this order.
- iii. If the said payment is not made, the Member Secretary, KSLSA, would be entitled to recover the same from the petitioner as arrears of land revenue.

**Sd/-  
(SURAJ GOVINDARAJ)  
JUDGE**