



W.P.(MD) No.14574 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.14574 of 2023

Al Ameen

... Petitioner

Vs.

1.The Commissioner of Customs,
No.1, Williams Road,
Cantonment,
Trichy-1.

2.The Deputy Commissioner of Customs,
Divisional Office of Customs,
Madurai-Rameswaram Road,
Bharathi Nagar,
Ramanathapuram-623 503.

3.The Superintendent of Customs,
Customs Prevent Unit, Mandapam,
Ramanathapuram District-623 518.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to release the petitioners motorized Boat, (FRB Vallam Motorized OBM) bearing Registration No.IND-TN-11-MO-1071 by considering the petitioner's representation dated 12.6.2023.

For Petitioner : Mr.T.Veerakumar



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For Respondents : Mr.R.Nandakumar
Senior Standing Counsel
Assisted by Mr.K.Prabhu
Junior Standing Counsel

ORDER

This writ petition is filed for a mandamus directing the respondents 2 and 3 to release the petitioner's motorized boat, by considering the representation, dated 12.06.2023.

2. The facts in brief are that on 25.05.2023, the third respondent had illegally seized the petitioner's boat. On coming to know about it, he had immediately approached the third respondent on 26.05.2023 to release his boat as it was under the custody of the third respondent. However, the third respondent had informed him that the same had not been seized by the second respondent and was merely put in the custody of the third respondent. Therefore, he had advised the petitioner to approach the second respondent. On 29.05.2023, following this advise, the petitioner had approached the second respondent for the release. The



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second respondent did not respond to the petitioner and on the contrary, gave an evasive reply. Therefore, on 12.06.2023, the petitioner had made a representation to release his motorized boat. Since there has been no response, the writ in question has been filed.

3. The learned counsel for the petitioner would submit that the boat had been seized when it was docked. That apart, no prior notice had been issued to the petitioner and no action has been initiated.

4. The learned Senior Standing Counsel appearing for the respondents would submit that on the said date, the boat was under the surveillance by the Customs Officer of Ramanathapuram Division and when the petitioner's boat was asked to stop, the petitioner did not stop, but drove the boat to Vedhalai seashore side where it was abandoned and the people in the boat ran away with unidentified objects. The respondents have rummaged through the contents of the boat and were not able to retrieve any object. When the Officer enquired about the ownership of the boat, no one had come forward to claim ownership.



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The respondents therefore, have reasonable belief that the boat was involved in smuggling. Therefore, a summon has been issued to the petitioner to appear for hearing on 23.06.2023 at 11.30 am.

5. The claim made in the writ petition for a mandamus directing the respondents 2 and 3 to release the petitioner's motorized boat is premature. It is open to the petitioner to appear before the second respondent and submit his explanation. It is needless to state that if the petitioner is able to give cogent and truthful explanation, the boat can be released to him. Accordingly, this Writ Petition is dismissed. No costs.

22.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

cp

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