

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1564 of 2015

Smt.Syed Mohamed Salihu Shamu Nafeela

.. Petitioner

Vs.

1.The Commissioner of Customs
New Customs House
ACC, G.S.T.Road
Meenambakkam
Chennai-600027

2.The Joint Commissioner of Customs
(Adjudication-AIR)
New Customs House
Meenambakkam
Chennai-600 027

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to consider petitioner's representation dated 08.05.2013 and pass appropriate order within the period fixed by this court.

For Petitioner : Mr.A.D.Jagadish Chandira

For Respondents : Mr.Haja Mohideen Gisthi

ORDER

The petitioner has come forward with the aforesaid prayer.

Learned counsel for the petitioner submitted that the petitioner has made a representation making allegations against the officers of the respondent and that they have taken the gold jewels of the petitioner and that the authorities have not behaved properly and no communication was sent to the petitioner regarding her representation and hence action should be taken against the said officials and he further contended that the representation of the petitioner dated 08.05.2013 is yet to be disposed of.

3. Learned counsel for the respondent submitted that the petitioner was intercepted at the exit after crossing the Green

Channel on 30.04.2013 after her arrival from Dubai on the ground she did not declare the value of the goods in the Customs Declaration Card. Upon questioning, she said that she did not have any gold/contraband to declare. During the personal search by lady officers crude jewellery weighing 764 grams were recovered from her person. She was arrested as the value of the gold exceeded Rs.20,00,000/- and was produced before the Magistrate who released her on bail on the same day. She is a regular visitor to India for her medical treatment and she was also not an eligible passenger to bring gold to India. Learned counsel further submitted that SCN and O-IN-O has been issued as per the records available in this office. She has given only Kizhakkurai, Ramanathapuram address in her representation dated 01.07.2013 and 01.10.2013 long time after her release on bail and she has not provided any other address and dispatched to her given address and she may seek recourse with the appellate authorities.

4. It is seen that the petitioner has not come with bonafide intention. The petitioner's contention appears to be one of stalling the entire proceedings initiated by the respondent. Writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpr

To

1.The Commissioner of Customs
New Customs House
ACC, G.S.T.Road
Meenambakkam
Chennai-600027

2.The Joint Commissioner of Customs
(Adjudication-AIR)
New Customs House
Meenambakkam
Chennai-600 027

1 cc to Mr.A.D.Jagadish ,Advocate, SR.No.15540

1 cc to Mr.S.Haja Monideen Gisthi ,Advocate, SR.No.15638

W.P.No.1564 of 2015

sai(co)

pmk.10.4.2015