

In the High Court of Judicature at Madras

Dated : 02.6.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.10326 of 2016

M.Elangovan

...Petitioner

Vs

The Additional Commissioner of
Customs (Group-III), Customs
House, Chennai-1.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to provisionally release the seized sandalwood weighing about 1,786 kgs. in connection with show cause Notice in F.No.DRI/CZU/VIII/48/ENQ-01/INT-01/2014 dated 2.7.2014.

For Petitioner : Mr.M.Seeni Sulthan
For Respondent : Mr.Vikram Ramakrishnan

ORDER

Heard both.

2. Filing of the above writ petition is an abuse of process of court, as the petitioner has suppressed the filing of the earlier writ petition in W.P.No. 29744 of 2014. The subject matter of challenge in the said writ petition was to a show cause notice issued by the Directorate of Revenue Intelligence proposing to confiscate the sandalwoods, which were seized. The said writ petition along with two other connected matters namely W.P.Nos.29743 and 29745 of 2014 were heard and dismissed by me by order dated 6.1.2015.

3. It appears that that the order dated 6.1.2015 has become final, as the petitioner has not preferred any appeal. Even in the affidavit filed in support of this writ petition, the petitioner has not disclosed the filing of the earlier writ petition nor stated about the order passed thereon.

4. The learned Central Government Standing Counsel appearing for the respondent submits that the petitioner approached this Court again by filing another writ petition in W.P.No.33406 of 2015 seeking provisional release of the

sandalwoods and even in that writ petition, the order passed in W.P.No.29744 of 2014 dated 6.1.2015 was not disclosed. Therefore, this Court directed the matter to be considered on merits.

5. Considering the above facts, the prayer sought for cannot be granted.

6. Accordingly, the writ petition is dismissed. No costs.

-s/d-

Assistant Registrar (CSIV)

True Copy

Sub-Assistant Registrar

To
The Additional Commissioner
of Customs (Group-III),
Customs House, Chennai-1.

WP.No.10326 of 2016

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