

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.16264 of 2016 and
W.M.P.No.14064 of 2016

Rajagobalan

... Petitioner

Vs.

1.The Assistant Commissioner of Customs,
Office of the Principal Commissioner of Customs,
Chennai - 1 Commissionerate (Airport),
Anna International Terminal,
Chennai - 600 027.

2.The Deputy / Assistant Commissioner
of Customs (Airport),
Office of the Deputy/Assistant Commissioner
of Customs (Airport),
Anna International Terminal,
Chennai - 600 027.

.... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned order under Ref.F.No.O.S.1225/15-AIR dated 31.03.2016 issued by the 1st respondent, quash the same and consequently direct the respondents to hand over the seized goods to the petitioner herein.

For Petitioner : Mr.D.Gopinathan
For Respondents : Mr.A.P.Srinivas,
Standing Counsel

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records relating to the impugned order dated 31.03.2016 issued by the 1st respondent and to quash the same and to consequently direct the respondents to hand over the seized goods to the petitioner.

2.When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that liberty may be given to the petitioner to challenge the impugned order dated

31.03.2016 by way of an appeal before the Commissioner of Customs.

3.Mr.A.P.Srinivas, learned Standing Counsel taking notice for the respondents submitted that such liberty can be given to the petitioner. It is open to the petitioner is challenge the impugned order dated 31.03.2016 before the Appellate Authority in accordance with law.

4.Having regard to the submissions made by the learned counsel on either side, I give liberty to the petitioner to challenge the impugned order dated 31.03.2016 by way of an appeal before the Commissioner of Customs within a period of two weeks from the date of receipt of a copy of this order and the Commissioner of Customs is directed to entertain the appeal to be filed by the petitioner without insisting on the question of limitation.

5.With this observation, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Assistant Commissioner of Customs,
Office of the Principal Commissioner of Customs,
Chennai - 1 Commissionerate (Airport),
Anna International Terminal,
Chennai - 600 027.

2.The Deputy / Assistant Commissioner
of Customs (Airport),
Office of the Deputy/Assistant Commissioner
of Customs (Airport),
Anna International Terminal,
Chennai - 600 027.

+1 cc to Mr.A.P.Srinivas Senior Standing Counsel
sr.27179

+1 cc to Mr.M.Ravibharathi Advocate sr.27007

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