

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33351 of 2015 &

M.P.No.1 of 2015

D.Suresh

[PETITIONER]

Vs

1.The Commissioner of Customs (Appeals-I)
60, Rajaji Salai, Custom House
Chennai 600 001.

2.The Joint Commissioner of Customs (Airport),
New Customs House, ACC,
G.S.T.Road, Meenambakkam,
Chennai 600 027.

3.The Asst.Commissioner of Customs (Admin-AIR)
O/o The Principal Commissioner of Customs
Chennai-I Commissionerate (Airport)
Anna International Terminal
Chennai 600 027.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of a Writ Of Certiorarified Mandamus to call for the entire records pertaining to the order in Appeal No.C.Cus-I No.176/2015 dated 17.04.2015, of the first respondent against the Order in Original No.800/2014-AIU dated 03.01.2015 on the file of the second respondent and quash the same and further direct the respondents to return the gold bits weighing 398 gms. Valued at Rs.11,44,648 and allow the petitioner to clear the same at a concessional rate as an eligible passenger after extending the free allowance.

For Petitioner : Mr.B.Sunder

For Respondents : Mr.K.Mohana Murali
Senior Panel Counsel

O R D E R

Heard Mr.B.Sunder, learned counsel for the petitioner and Mr.A.Mr.K.Mohana Murali, learned Senior Panel Counsel for the respondents. With the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for final disposal.

2.The petitioner has filed this Writ Petition, challenging the order passed by the Joint Commissioner of customs, as confirmed by the Commissioner of Customs on an Appeal.

3.The entire dispute is on the merits of the petitioner's claim and such disputed questions of fact cannot be gone into in a Writ Petition. Hence, this Writ Petition is held to be not maintainable.

4.Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to file an Appeal before the CESTAT and if such Appeal is filed, while computing the limitation, the period during which this Writ Petition was pending before this Court viz. from 08.10.2015, to till the date of receipt of a certified copy of this order, shall be excluded. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

- 1.The Commissioner of Customs (Appeals-I)
60, Rajaji Salai, Custom House
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+1 cc to Mr.B.Sunder Advocate sr 43675
+1 cc to Mr.K.Mohana muarali Advocate sr.43676

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