

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.606 & 607 of 2015

Kaleel Rahman .. Petitioner in
W.P.No.606 of 2015

Shahul Hameed .. Petitioner in
W.P.No.607 of 2015

Versus

1.The Commissioner of Customs,
Anna International Terminal,
Chennai - 600 027. .. 1st respondent in both WPs'

2.The Superintendent of Customs (AIU),
Prevention Officer,
New Custom House,
Meenambakkam, Chennai-600 027... 2nd Respondents in
W.P.No.606 of 2015

2.The Superintendent of Customs (AIU),
Customs Officer,
Anna International Terminal,
Chennai-600 027. .. 2nd Respondents in
W.P.No.607 of 2015

Prayer in both Writ Petitions: These Writ Petitions are filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, to direct the respondents to return the seized goods under, O.S.No.706/2014 AIU D, dated 23.05.2014 to the petitioner [W.P.No.606 of 2015]; O.S.No.707/2014 AIU D, dated 23.05.2014 to the petitioner [W.P.No.607 of 2015] respectively as per Section 110(2) of the Customs Act, 1962.

For Petitioner in
both WPs' : Mr.B.Sunder

For Respondents in
both WPs' : Mr.K.Mohanamurali
Special Government Pleader for R1 and R2

C O M M O N O R D E R

Heard Mr.B.Sunder, learned counsel appearing for the petitioners in both Writ Petitions and Mr.K.Mohanamurali, learned Special Government Pleader, accepting notice on behalf of respondents.

2.Petitioners have come forward with these Writ Petitions to direct the respondents to return the seized goods, which are Foreign Currency notes.

3.From the counter affidavits, it is seen that the petitioners were afforded due opportunity by the Assistant Commissioner of Customs (AIR) and they were heard in person and during the course of personal hearing, the petitioners have been unable to produce any legal documents for carrying the said Foreign Currency Notes, the Assistant Commissioner passed an order dated 23.05.2014, absolutely confiscating the Foreign Currency Notes, under the provisions of the Customs Act, 1962.

4.In the light of the fact that already orders of absolute confiscation have been passed, the question of issuance of direction to return the confiscated currency notes does not arise. If the petitioners are aggrieved, they are entitled to file Appeals before the Commissioner of Customs (Appeals). It appears that the petitioners have not exercised such option till date.

5.In the light of the above facts, the Writ Petitions stand dismissed. However, the petitioners are granted liberty to file Appeals before the Commissioner of Customs (Appeals). If the petitioners prefers to exercise the said option by filing Appeals within a period of thirty days from the date of receipt of a copy of this order, the Commissioner of Customs (Appeals), shall consider the same without rejecting the Appeals on the ground of limitation. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Customs,
Anna International Terminal,
Chennai - 600 027.

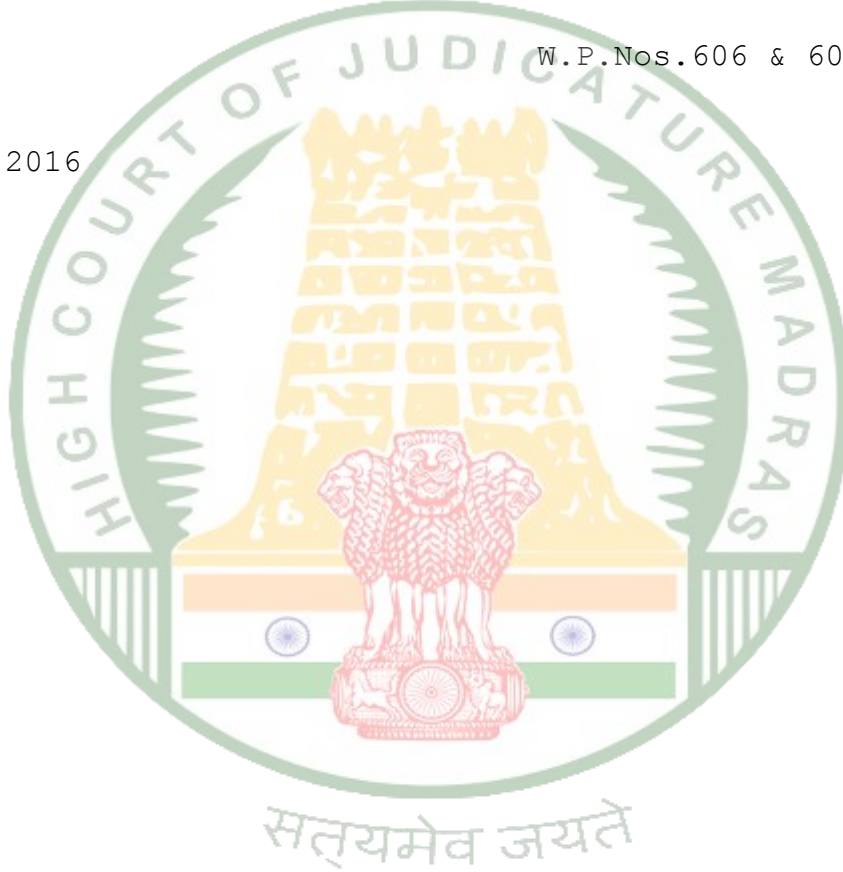
2.The Superintendent of Customs (AIU),
Prevention Officer,
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Meenambakkam, Chennai-600 027.

3.The Superintendent of Customs (AIU),
Customs Officer,
Anna International Terminal,
Chennai-600 027.

1 cc to Mr.Mohanamurali, Advocate, sr.28970

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