

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.3700 of 2016

Anirudhra Boganadham

.. Petitioner

v.

The Deputy / Asst. Commissioner
of Customs (Airport)
Anna International Airport
Chennai-600 027

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent herein made in OS.No.68/2016 - Batch C dated 18.01.2016, quash the same and direct the respondent to give a fresh opportunity to the petitioner to put forth his defence.

For Petitioner : Mr.A.P.Srinivas
for Mr.Anil Relwani

For Respondent : Mr.Manoharan Sundaram
Addl. Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a writ of Certiorarified Mandamus to call for the records of the respondent made in OS.No.68/2016 - Batch C, dated 18.01.2016, to quash the same and direct the respondent to give a fresh opportunity to the petitioner to put forth his defence.

2. It is the case of the petitioner that he purchased a gold bar measuring 100 grams from Singapore and on 18.01.2015, when he returned to Chennai, he was detained by the respondent at Chennai at about 11.00 p.m. Further, the respondent confiscated the gold bar from the petitioner and later, asked the petitioner to append his signature on the impugned order dated 18.01.2016. According to the petitioner, he was not given an opportunity to put forth his defence.

3. On a perusal of the impugned order, it could be seen that the petitioner was given an opportunity to put forth his case and thereafter, the impugned order was passed on 18.01.2016. That apart, as against the impugned order, an appeal shall lie before the Commissioner of Customs (Appeals), Customs House, Chennai-600 001 on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute. The appeal shall be filed within 60 days provided under section 128 of the Customs Act, 1962 from the date of receipt of the impugned order.

4. Without exhausting the appeal remedy, the petitioner has approached this court. In these circumstances, I give liberty to the petitioner to challenge the impugned order by way of an appeal before the Commissioner of Customs (Appeals), Customs House, Chennai-600 001.

With this observation, the Writ Petition is dismissed. No costs.

Rj

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

The Deputy / Asst. Commissioner of Customs (Airport)
Anna International Airport
Chennai-600 027

+ 1 cc to Mr.A.P.Srinivas, Advocate SR 7136

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