IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

W.P.Nos.7171 & 7172 of 2016
and
W.M.P.Nos.6369 and 6370 of 2016

Moorthy Kothandapani
S/o.Kothandapani ... Petitioner in both W.Ps.

Vs.

1.The Assistant Commissioner of Customs (ADMIN-AIR),
Chennai - I Commissionerate (Airport),
Anna International Terminal,
Chennai - 600 027.

2.The Joint Secretary (RP),
Department of Revenue,
14, Hudco Vishala Building,
B Wing, 6th Floor,
Bhikaji Cama Place,
New Delhi - 110 066. ...Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writs of Certiorari to call for the records relating to the impugned notice dated 05.01.2016 issued by the first respondent in F.No.O.S.633/2015-AIR and F.No.O.S.910/2015-AIR and quash the same.

For Petitioner : Mr.G.Derrick Sam

For Respondents: Mr.V.Sundareswaran

COMMON ORDER

The petitioner has filed the above writ petitions to issue writs of certiorari to call for the records relating to the impugned notices dated 05.01.2016 issued by the first respondent and to quash the same.

2. It is the case of the petitioner that he had visited Malaysia and returned to Chennai on 18.06.2015 and at the time of arrival, he was in possession of used gold chains weighing

199 gms. which was purchased by him as second hand from a pawn shop in Malaysia. The said gold was seized by the Assistant Commissioner of Customs (Airport), Chennai, on the pretext that the same was concealed by the petitioner and he was forced to sign a form for waiver of show cause notice and thereafter, an order in O.S.No.633 of 2015 dated 18.06.2015 was passed by the Assistant Commissioner of Customs confiscating the four gold chains and imposed penalty of Rs.50,000/- u/s.112(a) of the Customs Act, 1962. As against the said order, the petitioner preferred an appeal before the Commissioner (Appeals) Chennai and by order dated 30.09.2015, the Commissioner (Appeals) has rejected the appeal against which the petitioner filed a revision application before the second respondent and the same is pending.

3. On his next visit to Malaysia, the petitioner had purchased used gold ornaments i.e., 2 bracelets, 1 necklace and 3 small chains, totally weighing 75 gms. from a pawn shop. The said gold was also seized by the Assistant Commissioner of Customs (Airport), Chennai, on the pretext that the same was concealed by the petitioner and again he was forced to sign a form for waiver of show cause notice and thereafter, an order in O.S.No.910 of 2015 dated 04.09.2015 was passed by the Assistant Commissioner of Customs confiscating the gold ornaments and imposed penalty of Rs.20,000/-. Aggrieved against the said order, an appeal was filed before the Commissioner (Appeals), Chennai and by order dated 30.09.2015, the Commissioner (Appeals), Chennai, rejected the appeal against which the petitioner preferred a revision application before the second respondent, which according to the learned counsel for the petitioner is pending. Since both the revision applications are pending before the second respondent, the learned counsel for the petitioner submitted that the second respondent may be directed to dispose of both the revisions within a stipulated time and till such time, the respondents may be directed to maintain status-quo.

4. Mr.V.Sundareswaran, the learned standing counsel appearing for the respondents, submitted that the second respondent may be directed to dispose of the revision applications filed by the petitioner within a stipulated time and till disposal of the revisions, the respondents can be directed to maintain status-quo.

5. Having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, I direct the second respondent to decide the revision applications filed by the petitioner after affording due opportunity of personal hearing to the petitioner and pass order on merits and in accordance with law within a period of eight

weeks from the date of receipt of a copy of this order and till such time, the respondents are directed to maintain status-quo.

With these observations, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Assistant Commissioner of Customs (ADMIN-AIR),
Chennai - I Commissionerate (Airport),
Anna International Terminal,
Chennai - 600 027.

2.The Joint Secretary (RP),
Department of Revenue,
14, Hudco Vishala Building,
B Wing, 6th Floor,
Bhikaji Cama Place,
New Delhi - 110 066.

+1cc to Mr.Hari Radhakrishnan, Advocate, S.R.No.17874

W.P.Nos.7171 & 7172 of 2016

rsy(CO)
srg(30/03/2016)