

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.13777 of 2013

and

M.P.No.1 of 2013

S.Jamal

.. Petitioner

-vs-

- 1.The Central Government of India,
rep. by its Central Vigilance Commissioner,
Central Vigilance Cell,
New Delhi.
- 2.The Director, CBI,
New Delhi.
- 3.The Chairman,
Central Excise and Customs,
New Delhi.
- 4.The Director General of Vigilance,
Customs and Central Excise,
Chennai-600 001.
- 5.The Secretary to Government,
Union of India,
Health and Family Welfare,
New Delhi.
- 6.The Commissioner of Customs,
(Airport & Air Cargo),
Meenambakkam,
Chennai-600 027.

7.The Commissioner of Customs,
(Sea Import), Customs House
No.60, Rajaji Salai,
Chennai-600 001.

.. Respondents

(Respondent Nos.6 & 7 impleaded as per the
order in M.P.No.2 of 2013, dt. 27.6.2016)

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 17.4.2013 and 22.4.2013 and investigate the same in accordance with law.

For Petitioner : Mr.S.R.Raghunathan
for
Mr.G.Velu

For Respondents : Mr.K.Mohanamurali
for R1,3, 4, 6 & 7
Mr.K.Raju for R5

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned counsel appearing for respondent Nos.1,3 and 4 also seeks to enter appearance for the newly impleaded respondent Nos.6 and 7.

2. The petitioner, who has filed the present public interest litigation has antecedents of having been booked and detained under Conservation of Foreign Exchange and Prevention of Smuggling Activities (COFEPOSA) vide detention order dated 08.11.2000 and imposition of penalties by the department have been upheld by the Appellate Tribunal. The petitioner's earlier endeavour to claim CBI enquiry has also been repelled in CrI.O.P.No.1525 of 2006, decided on 11.01.2008 relating to some other goods. In this proceedings, it is noted that not only the petitioner, but even his son, has been involved in smuggling activities.

3. The nature of the allegation made in the present case is of unauthorised import of chemicals of raw materials used for manufacturing drugs of 170 consignments.

4. It does appear that the petitioner utilised different proceedings to carry out the campaign against the authorities and officers to facilitate his own business of smuggling and this public interest litigation at the behest of such a person should never be entertained.

5. We are conscious of the fact, our attention having being brought to the learned counsel for the petitioner, to the averments in the counter-affidavit of the respondent in paragraph 10, which seek to suggest that the allegation made by the petitioner in respect of the consignments may have "truth". In that behalf, investigation has been carried out and prima facie forgery of Customs documents has been found. Naturally, proper action in that behalf would be required.

6. We are not inclined to entertain this public interest litigation filed by the petitioner, though we expect that the authorities would complete their task qua the consignments in question. We are also of the view that considering the antecedents of the petitioner and his endeavour to rake up an earlier issue to pressurise the concerned authorities to prevent action against him in future, no public interest litigation or any litigation affecting the larger interest other than the personal interest is to be entertained by this Court.

7. The writ petition is dismissed with the aforesaid observation. Consequently, M.P.No.1 of 2013 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Central Vigilance Commissioner,
Central Government of India,
Central Vigilance Cell,
New Delhi.

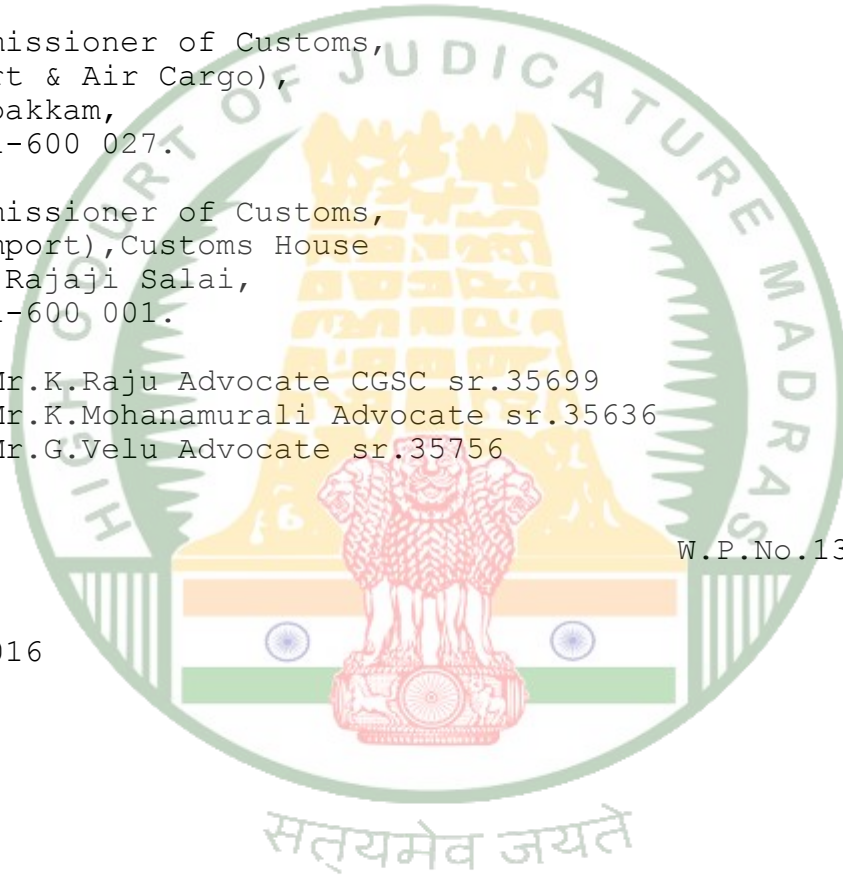
2.The Director, CBI,
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- 3.The Chairman,
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- 4.The Director General of Vigilance,
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- 5.The Secretary to Government,
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(Airport & Air Cargo),
Meenambakkam,
Chennai-600 027.
- 7.The Commissioner of Customs,
(Sea Import), Customs House
No.60, Rajaji Salai,
Chennai-600 001.

+1 cc to Mr.K.Raju Advocate CGSC sr.35699
+1 cc to Mr.K.Mohanamurali Advocate sr.35636
+1 cc to Mr.G.Velu Advocate sr.35756

W.P.No.13777 of 2013

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