

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.14172 OF 2015

ORDER: (Per Hon'ble Sri Justice Ramesh Ranganathan)

Proceedings dated 07.10.2014 was issued to the petitioner asking her to show-cause why the thirteen (13) one kilogram gold bars, totally weighing 13 Kilograms and valued at Rs.3,75,76,175/-, should not be confiscated under Section 111(i) and (d) of the Customs Act, 1962 (for short, 'the Act'); and why penalty, under Sections 112 and 114AA of the Act, should not be imposed on her. The petitioner was further asked to indicate, in the written reply to the show-cause notice, whether she wish to be heard in person. The petitioner submitted an elaborated reply vide letter dated 05.01.2015 contending, among others, that she was misled into believing that the gold bars were, in fact, mobile phones; she was asked by Sri Shujaath Ali Mohammed to carry the alleged mobile phones in her bag; the C.C. T.V. footage would show that she had pointed out Sri Shujaath Ali Mohammed to the customs authorities; and, in such circumstances, the authorities had acted illegally in initiating proceedings against her under the Act.

It cannot, however, be lost sight of that no final orders have been passed against the petitioner, and she has merely been asked to show-cause why action should not be taken, under the Act, against her. As the petitioner has submitted a reply thereto, we see no reason to interdict the proceedings at this stage. It would be wholly inappropriate for this Court, while exercising jurisdiction under Article 226 of the Constitution, to interfere with a show-cause notice, or to prevent a final order being passed, under the provisions of the Act, by the authorities concerned. Suffice it to make it clear that all these contentions are left open to be agitated by the petitioner, in case she is aggrieved by the final order passed by the authorities concerned.

Subject to the above observations, the Writ Petition fails and, is, accordingly dismissed. In consequence, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

RAMESH RANGANATHAN, J

M. SATYANARAYANA MURTHY, J

Date: 28-10-2016.
Dsh

HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

29012016

WRIT PETITION No.14172 2015

(Order of the Division Bench delivered by
Hon'ble Sri Justice Ramesh Ranganathan)

-
Date. 28-01-2016

DSH