

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.25318 of 2017 and
W.M.P.No.26777 of 2017

Smt.Hajara Mariyam Seyed ... Petitioner
Vs.

- 1.The Additional Commissioner of
Customs (ADJUDICATION -AIR)
New Customs House,
Meenambakkam, Chennai - 600 027.
- 2.The Commissioner of Customs (Appeals),
No.60, Rajaji Salai,
Custom House, Chennai - 600 001.
- 3.The Joint Secretary (Revision Application)
Government of India,
Ministry of Finance (Department of Revenue),
No.14, Hudco Vishala Building,
B Wing, 6th Floor, Bhikaji Cama Place,
New Delhi - 110 066.
- 4.The Assistant Commissioner of Customs
(Prosecution Unit - AIR)
Meenambakkam, Chennai - 600 027.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records in respect of the letter issued in F.No.OS.2/2016- Prosecution (Air) dated 12.07.2017 by the fourth respondent and quash the same and consequently direct the fourth respondent not to dispose off the goods as contemplated in his letter dated 12.07.2017 till the disposal of the Revision Application in F.No.373/58/B/17-R.A. Pending on the file of the third respondent.

For Petitioner : Mr.M.Abdul Nazeer

For Respondents : Mr.B.Rabu Manohar
Senior Panel Counsel

ORDER

Heard Mr.M.Abdul Nazeer, learned counsel appearing for the petitioner and Mr.B.Rabu Manohar, learned Senior Standing Counsel appearing for the respondents.

2.The petitioner has approached this Court by way of this writ petition praying for issuance of writ of certiorarified mandamus to quash the communication issued by the 4th respondent dated 12.07.2017 by which the petitioner was informed that a petition is filed by the prosecution under Section 110(1A)(1B) and (1C) of the Customs Act, 1962 before the Judicial Magistrate, Alandur, Chennai for disposal of seized/confiscated goods in the case, which has been registered against the petitioner.

3.The petitioner's contention is that as against the order passed by the Commissioner of Customs (Appeals), the petitioner preferred a Revision Application before the 3rd respondent on 12.04.2017 and the Revisional Authority vide communication dated 03.05.2017 informed the petitioner as well as her counsel stating that the Revision Application has been provisionally accepted and registered vide file Reference F.No.373/58/B/17 - R.A. Therefore, it is submitted that in the meantime, if the gold is sold after obtaining orders from the Judicial Magistrate Court, the petitioner's interest could be affected and the Revision Application itself would become infructuous.

4.The Learned Senior Standing Counsel for the respondents, on instructions, submits that though application is being moved before the Judicial Magistrate for sale of the seized goods, the 4th respondent Department is not taking any steps to sell the gold weighing 1781 grams and will await the decision in the Revision Application. This submission made on behalf of the 4th respondent is placed on record and it is ordered that the 4th respondent shall not sell the gold weighing 1781 grams and await the decision in the Revision Application to be passed by the 3rd respondent.

5.The Learned Counsel for the petitioner submits that the 3rd respondent may be directed to take on file the Revision Application and pass orders expeditiously.

6.It is not known as to whether the Revision Application has been registered and a number has been assigned to it. As the letter dated 03.05.2017 would intimate that the Revision Application has only be provisionally accepted. However, if the Revision Application is in order and has been entertained by the 3rd respondent, the 3rd respondent may consider the same as expeditiously as possible, preferably within a period of four months from the date of receipt of copy of this order.

7.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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- 4.The Assistant Commissioner of Customs
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+1 cc to Mr.M.Abdul Nazeer,advocate,sr.71450

+1 cc to Mr.B.Rabumanohar,advocate,sr.71518.

Krd 10/11

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