

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2017

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.38500 of 2015

and

M.P.No.1 of 2015

Hanjarimal Jain Vijay Chand

..Petitioner

Vs.

The Joint Commissioner of Customs (AIRPORT)
Anna International Airport,
Meenambakkam, Chennai-600 027.

..Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Certiorarified Mandamus calling for the records of the respondent and quashing the impugned order dated 03-10-2015 vide F.No.O.S.1460/2014-AIR intimating confiscation of 475 grams of gold brought by the petitioner with a further direction to dispose it off as stated therein and consequently direct the respondent for a De-Novo adjudication on the above matter.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

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

O R D E R

The petitioner seeks for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 03.10.2015, by which the respondent has informed the petitioner that the gold, which was ordered to be absolutely confiscated by order dated 30.03.2015, is to be disposed of on expiry of 15 days from the date of the said notice.

2. In my considered view, the challenge to the impugned proceedings is misconceived, since the petitioner has not questioned the order passed by the Joint Commissioner of Customs (Airport) dated 30.03.2015, which is the Order-in-Original.

3. The contention raised by the petitioner is that the copy of the order was not communicated to the petitioner. However, it is a factual issue, which cannot be gone into this writ petition, especially, in the light of the stand that the Order-

in-Original came to be passed after due notice to the petitioner and the petitioner did not appear before the adjudicating authority.

4. In any event, a person, who is aggrieved by the Order-in-original, has a remedy by way of an appeal before the Commissioner (Appeals). Therefore, the present attempt of the petitioner to challenge the impugned communication is not maintainable and therefore, the writ petition is liable to be dismissed and accordingly the same is dismissed. However, this will not prevent the petitioner from working out his remedies under the provisions of the Customs Act, 1962. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

The Joint Commissioner of Customs (AIRPORT)
Anna International Airport,
Meenambakkam, Chennai-600 027.

+ 1 cc to M/s.Ravi Anantha Padmanaban, Advocate,SR.54739

+ 1 cc to M/s.Rabu Manohar, Advocate,SR.54732

W.P.No.38500 of 2015

MG (CO)
NR 23/08/2017

सत्यमेव जयते

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