

In the High Court of Judicature at Madras

Dated : 04.07.2018

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition Nos.7290 and 7291 of 2017
and WMP.Nos.7943 and 7944 of 2017

Smt.Faridha Banu

...Petitioner
in W.P.No.7290/2017

Hakkullah Abdul Kather

...Petitioner
in W.P.No.7291/2017

Vs

1.Principal Commissioner of Customs (I)
New customs House, GST Road
Meenambakkam
Chenani - 600 027

2.Assistant Commissioner of Customs
(Airport) Anna International Airport
New customs House, GST Road
Meenambakkam
Chenani - 600 027
Tamil Nadu

...Respondents
in both the petitions

Prayer in W.P.No.7290 of 2017:Writ petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to return three numbers of gold cut bars and one small gold piece totally weighing 661 grams and valued at Rs.17,82,056/-, pursuant to the order of the Commissioner of Customs (Appeal-I) in order-in-appeal C.Cus-I No.18/2016 dated 29.01.2016 on payment of redemption fine of Rs.4,00,000/- and personal penalty of Rs.1,75,000/- for re-export.

Prayer in W.P.No.7291 of 2017:Writ petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to return the gold chain weighing 45 grams and valued at 1,11,424, pursuant to the order of the Commissioner of Customs (Appeal-I) in Order in Appeal C.Cus-1 No.129 of 2016 dated 29.02.2016 on payment of

appropriate duty, redemption fine of Rs.30,000/- and personal penalty of Rs.12,000/-.

For Petitioner : Mr.P.Satish Sundar

For Respondents :Mr.V.Sundareswaran
Senior Panel Counsel

COMMON ORDER

Heard Mr.S.Satish Sundar, learned counsel for the petitioners and Mr.V.Sundareswaran, learned Senior Panel Counsel appearing for the respondents.

2. The petitioners have been filed these writ petitions seeking a direction to the respondents to return three numbers of gold cut bars and one small gold piece, totally weighing 661 grams and valued at Rs.17,82,056/- and a gold chain weighing 45 grams and valued at Rs.1,11,424/-, pursuant to the orders of the Commissioner of Customs (Appeal-I) in order-in-appeal C.Cus-I No.18/2016 dated 29.01.2016 and C.Cus-1 No.129 of 2016 dated 29.02.2016 respectively, on payment of redemption fine and personal penalty for re-export.

3. Though such a relief has been sought for by the petitioner, learned counsel, on instruction, submitted that as against the order in Appeals dated 29.01.2016 and 29.02.2016, the first respondent has filed revisions before the Joint Secretary (Revision Application), Ministry of Finance, Department of Revenue, New Delhi, in Review Application Nos.51 and 60 of 2016 under Section 129 DD of the Customs Act, 1962 and since an officer has been appointed to the said post, who is regularly dealing with the revision applications and as of now revisions filed in the year 2015-16 are being heard, a direction may be issued to the said Authority to expedite the disposal of the revision applications. The prayer made by the petitioner is not resisted by the Revenue.

4. Hence, considering the submission made by the learned counsel for the petitioner, there will be a direction to the Joint Secretary to dispose of the Revision Applications Nos.51 and 60 of 2016, after affording an opportunity of personal hearing to the representative of the Department as well as to the writ petitioners or their authorized agent, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The writ petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gpa/msrm

To

1.The Principal Commissioner of Customs (I)
New customs House, GST Road
Meenambakkam
Chennai - 600 027

2.The Assistant Commissioner of Customs
(Airport) Anna International Airport
New customs House, GST Road
Meenambakkam
Chennai - 600 027
Tamil Nadu

Copy to

The joint Secretary(Revision Application),
Ministry of Finance, Department of Revenue,
New Delhi.

+1cc to Mr.V.Sundareswaran, Advocate, S.R.No.43502

Writ Petition Nos.7290 and 7291 of 2017
and WMP.Nos.7943 and 7944 of 2017

KS(CO)
GSP(16/07/2018)

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