

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2018

CORAM

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

W.P.No.1439 of 2018

Ravindra Kumar

...Petitioner

vs.

- 1 The Commissioner of Customs
(Commissionerate-III)
No.60 Rajaji Salai
Customs House
Chennai-600 001.
- 2 The Additional Commissioner of Customs (DIU/SIIB)
No.60 Rajaji Salai
Customs House
Chennai-600 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the seal affixed at petitioner's warehouse located at Godown No.G-18/12A, Sathangadu Village (Basin Road), Thiruvottiyur, Chennai 600 019 on 26.10.2017 and for a further direction directing the respondents to return the consignments entered vide Bill of Entries as (i) Bill of Entries No.3605464, dated 13.10.2017 - (Stationery House hold articles and Cosmetics) (ii) Bill of Entry No.2498204, dated 18.07.2017 - (Decorative items), (iii) Bill of Entry No.34899207 dated 04.01.2017 - (Glass Beads and Stationary items), (iv) Bill of Landing No.GOSUNGB 1023220 dated 28.09.2017 (House hold articles and (v) Delhi based consignment contains (New Year Diaries and Gift items) which were illegally confiscated by the respondents on 26.10.2017 from the petitioner's warehouse.

For Petitioner : Mr.S.Zakir Hussain

For Respondent : Mr.A.P.Srinivas
Standing Counsel

ORDER

Heard Mr.S.Zakir Hussain, learned counsel appearing for the petitioner and Mr.A.P.Srinivas, learned Standing Counsel accepting notice for the respondent.

2. The petitioner seeks for the relief directing the respondents to remove the seal affixed at petitioner's warehouse located at Godown No.G-18/12A, Sathangadu Village (Basin Road), Thiruvottiyur, Chennai 600 019 on 26.10.2017 and for a further direction directing the respondents to return the consignments entered vide Bill of Entries as (i) Bill of Entries No.3605464, dated 13.10.2017 - (Stationery House hold articles and Cosmetics) (ii) Bill of Entry No.2498204, dated 18.07.2017 - (Decorative items), (iii) Bill of Entry No.34899207 dated 04.01.2017 - (Glass Beads and Stationary items), (iv) Bill of Landing No.GOSUNGB 1023220 dated 28.09.2017 (House hold articles and (v) Delhi based consignment contains (New Year Diaries and Gift items) which were illegally confiscated by the respondents on 26.10.2017 from the petitioner's warehouse.

3. Admittedly the petitioner has not claimed that he is the owner of the Company.

4. The respondent filed a counter affidavit stating that there is a chain of illegal operations and the petitioner is playing an important role removal of SIIB detained goods by providing space (godown) for keeping smuggled goods in his rented godown and later taken on delivery in smaller vehicles. In this connection, the respondent has issued summons to the petitioner to appear for an enquiry.

5. In the light of the above, the question of issuing a direction to the respondent to de-seal the godown or to return the consignment does not arise.

6. In these circumstances, this writ petition is disposed of by directing the respondent to issue fresh summon to the petitioner within a period of two weeks from the date of receipt of a copy of this order and the petitioner is directed to co-operate with the investigation to complete the enquiry. If the petitioner appears before the respondent and give statement, it is open to the respondent to proceed further in accordance with law and pass appropriate orders, within a period of three weeks there from. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

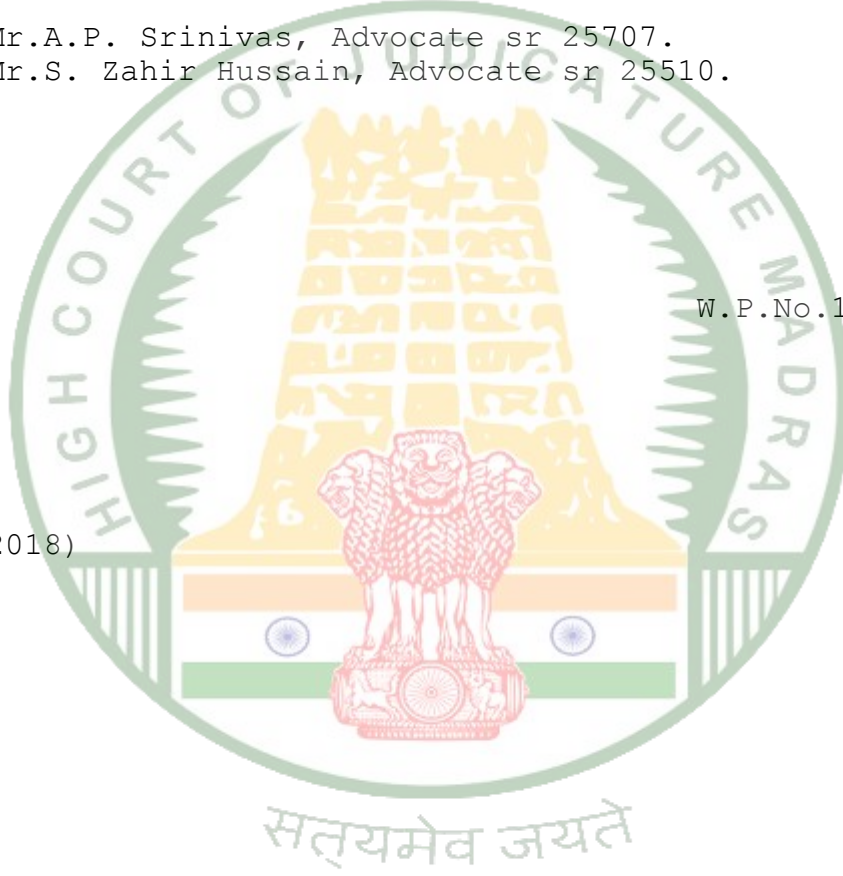
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+1 CC to Mr.A.P. Srinivas, Advocate sr 25707.

+1 CC to Mr.S. Zahir Hussain, Advocate sr 25510.

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SP(13/04/2018)



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