



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2985 of 2018

and

WP(MD)No.3124 of 2018

and

WMP(MD)Nos.3152, 3153 & 3276 & 3277 of 2018

Tajudeen ... Petitioner in WP(MD)No.2985 of 2018
Hasina Balkis ... Petitioner in WP(MD)No.3124 of 2018
Vs.

- 1.The Commissioner of Customs,
No.1, Williams Road,
Contonment, Trichy - 620 001.
- 2.The Assistant Commissioner of
Customs,
Air Intelligence Unit,
Trichy Ariport, Trichy - 620 007.
- 3.The Superintendent of Customs,
Air Intelligence Unit,
Trichy Airport, Trichy - 620 007. ... Respondents in both cases

Common Prayer : Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the Seizure Order made by the third respondent herein in OR No.22/2018-AIU, Trichy, dated 29.01.2018, in sofar as the petitioner is concerned and quash the same as illegal and consequently direct the third respondent herein to release and return the two Gold Rings covered by OR No.22/2018-AIU, Trichy to the petitioner in WP(MD)No.2985 of 2018 and One Gold Chain and Two Gold Bangles covered by OR No.22/2018-AIU, Trichy to the petitioner in WP(MD)No.3124 of 2018.

For Petitioner
in both cases : Mr.A.K.Jayaraj

For Respondents
in both cases : Mr.Aravindhan

**COMMON ORDER**

The petitioner in WP(MD)No.2985 of 2018 is the husband while the petitioner in WP(MD)No.3124 of 2018 is the wife. Both had gone to Myanmar. On their return to India, the third respondent seized certain goods belonging to the petitioners herein. The orders of seizure are under challenge in these writ petitions. The authorities are yet to issue show cause notice under Section 124 of the Customs Act, 1962. The petitioners herein seek provisional release of the seized jewellery in question.

2.The learned standing counsel appearing for the respondents submitted that the proceedings are at a very preliminary stage. Therefore, the question of quashing the seizure orders will not arise. However, the prayer for provisional release of the seized items can be considered.

3.In more or less in similar circumstances, this Court by order dated 01.04.2011 in WA.No.582 of 2011, directed the petitioner to deposit 50% of the duty for the value of the seized items and directed the department to release the seized items on such deposit being made. It was also further clarified that it would be open to authorities to initiate appropriate action in accordance with Section 124 of the Customs Act, 1962.

4.This Court is inclined to adopt the very same approach in these two writ petitions also. The petitioners are directed to deposit 50% of the duty for the value of the gold jewellery seized from them. On such deposit being made, the respondents 2 and 3 shall release the seized items forthwith. It goes without saying that the petitioners shall cooperate with the adjudication proceedings that may be initiated by the respondents.

5.These writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Customs,
No.1, Williams Road,
Contonment, Trichy - 620 001.

2.The Assistant Commissioner of
Customs,
<https://hcservices.ecourts.gov.in/hcservices/>
Air Intelligence Unit,
Trichy Ariport, Trichy - 620 007.



3.The Superintendent of Customs,
Air Intelligence Unit,
Trichy Airport, Trichy - 620 007.

+2cc to M/S.A.K.JAYARAJ, Advocate SR.No.50486 & 50488.

+2cc to M/S.R.ARAVINDAN, Advocate SR.No.50491 & 50492.

W.P (MD) No.2985 of 2018
and
WP (MD) No.3124 of 2018
and
WMP (MD) Nos.3152, 3153
& 3276 & 3277 of 2018
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