



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.02.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.3125 of 2018

and

WMP (MD) Nos.3278 & 3279 of 2018

Tin Tin Lwin

... Petitioner

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

Prayer : Writ Petition 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.23/2018-AIU, Trichy, dated 29.01.2018 and quash the same as illegal and consequently direct the respondents herein to permit the petitioner to take back / Re-export the Gold Jewellery viz., One Gold Chain and Four Gold Bangles, weighing 245.200 grams, valued at Rs.7,46,143/- to Myanmar, covered by O.R No.23/2018-AIU, Trichy.

For Petitioner : Mr.A.K.Jayaraj

For Respondents : Mr.Aravindhan

ORDER

The petitioner is a Myanmar national. She landed in India at Trichy airport on 29.01.2018. On the ground that the petitioner had not declared the quantum of jewellery borne on her person, the third respondent seized 4 Nos. of gold bangles and one gold chain, totally 245.200 grams from her.



2.The learned standing counsel appearing for the respondents filed the counter affidavit and opposed the prayer made in the writ petition. Admittedly, the adjudication proceedings are yet to commence. Therefore, at this point of time, when the adjudication proceedings are at a very preliminary stage, it is not possible to quash the seizure order.

3.The petitioner now seeks only provisional release of the seized items. In more or less in similar circumstances, this Court had directed that the seized goods be returned on deposit of the 50% of the duty amount for the value of the seized items.

4.In the present case, the petitioner can be permitted to take back being seized goods on deposit of a sum of Rs.3,00,000/- through her power agent who undertakes to deposit the said sum with the third respondent. On such deposit being made, the seized items shall be returned to the power agent. It is made clear that the adjudication proceedings shall go on and the petitioner shall extend the fullest co-operation for expeditious conclusion of the said proceedings. It is further made clear that the power agent is entitled to handed over such returned jewellery to the principal, namely, the petitioner herein by taking it back.

5.The writ petition is 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,
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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.

+1CC TO M/S.R.ARAVINDAN, ADVOCATE, SR NO.50490

+1CC TO M/S.A.K.JEYARAJ, ADVOCATE, SR NO.50487

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