



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.(MD) No.1368 of 2018

&

C.M.P.(MD)No.9825 of 2018

1.The Joint Commissioner of Customs,
No.1, Williams Road,
Cantonment,
Trichy.

2.Additional Director General,
Directorate of Revenue Intelligence,
Adarsh Towers,
GN (Chetty) Road,
T.Nagar, Chennai - 600 017.

3.Deputy Director,
Directorate of Revenue Intelligence,
Regional Unit,
1103, Trichy Road,
Coimbatore - 641 018.

.. Appellants/Respondents

Vs.

Madhavan, S/o.Vellaiah

.. Respondent/ Petitioner

Prayer : Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 26.07.2018, modifying the order dated 25.06.2018, passed in W.M.P.(MD)No.10988 of 2018 in W.P.(MD)No.12051 of 2018, by allowing this appeal.

Prayer in WMP(MD). 10988/ 2018 :

Praying to issue direction directing the 1st respondent to release 4 Kgs of Gold with MMTC-PAMP-seal serial Nos.084207 to 084211, 085032 to 085036, 10 Kgs of Gold, Rs.6,09,700/- Indian Currency, Maruthi Swift Car with Reg.No. TN-99 A 8251 and also unauthorised seizure of gold with 789.442 gms, cash in Rs.32,488/- and three mobile smart phones (Apple I Phone, One Plus, Samsung) or in the alternative, direct the 1st respondent to grant an opportunity for examination of witnesses as prayed for in the application dated 12.2.2018 and to pass appropriate orders on adjudication after considering the objections and contentions advanced by the Petitioner.

Prayer in WP(MD). 12051/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records of the 2nd respondent made in show cause Notice in F.No.DRI/CRU/VIII/48/ENQ-1/INT-9/2017-CBE dated 16.01.2018 and quash the same as illegal.



For Appellants

: Mr.R.Aravindan

For Respondent

: Mr.KA.Raamakrishnan

JUDGMENT

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(Judgment of the Court was made by S.S.SUNDAR, J.)

This writ appeal is filed against the order passed by the learned Single Judge granting an order permitting the appellants to release 2 Kilograms of gold bars with Indian marking and 2 Kilograms of crude bars along with cash of Rs.6,09,700/- on the respondent/writ petitioner executing a personal bond covering the entire value of goods in question.

2.The learned counsel appearing for the appellants as well as the contesting respondent submitted that after the order of interim direction given by this Court in the impugned order, this Court has granted an order of stay and it is admitted before this Court that status quo as on the date of direction of the learned Judge is maintained till date. The learned counsels now appearing before this Court for the appellants as well as the respondent submitted that the main Writ Petition itself is posted for final hearing on 26.11.2018 and that the writ appeal can be closed with a direction for disposal of writ petition on merits.

3.Having regard to the submission before this Court, this Court is inclined to pass the following order:

(1) The learned Single Judge may dispose of the writ petition on or before 30.11.2018.

(2) The parties are directed to maintain status quo till the disposal of the writ petition.

4.With the above direction, this Writ Appeal is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-III)

+1cc to Mr.KA.Raamakrishnan,Advocate, SR.No.95893

+1cc to Mr.R.Aravindan, Advocate, SR.No.96123

Copy to: The Section Officer,

Writ Section,

Madurai Bench of Madras High Court,

Madurai.

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&

C.M.P. (MD) No.9825 of 2018

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