

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION NO.30138 OF 2018

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

Heard Sri M.Govind Reddy, learned counsel appearing on behalf of Sri M.Pavan Kumar Aditya, learned counsel for the petitioner, and Sri B.Narasimha Sarma, learned Senior Standing Counsel for CBIC and Customs and, with their consent, the Writ Petition is disposed of at the stage of admission.

The petitioner claims that the impugned order dated 18.08.2016 was passed against Sri G.Mallesha Yadav who died earlier on 15.03.2016. A copy of the Death Certificate is enclosed along with the Writ Petition.

Sri B.Narasimha Sarma, learned Senior Standing Counsel, would submit that the death of Sri G.Mallesha Yadav was not intimated to the department resulting in the impugned order being passed; and, since the order was passed against a person who was no more, it would suffice if the impugned order is set aside, and liberty is granted to the respondents to take action in accordance with law.

As it is evident that the order was passed against a dead person, the impugned order dated 18.08.2016 is set aside. Suffice it to make it clear that this order shall not disable the

respondents from taking action afresh and in accordance with law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(U.DURGA PRASAD RAO, J)

31st August 2018
RRB

