

S/L. 51.
20.08.2019
MNS

**Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction**

WPA 269 of 2019

Tajmul Sk.
-Vs.-
Union of India and others

Mr. Arijit Chakraborty,
Mr. Partha Pratim Saha,
Mr. Prabir Bera

...for the petitioner.

Mr. Rajdeep Biswas

...for the respondent nos. 1 to 5.

Affidavit-of-service filed in Court today be
taken on record.

The grievance of the writ petitioner is that,
despite the petitioner having approached the
respondent nos. 2 and 3 with an application
under Section 110A of the Customs Act, 1962 for
provisional release of a vehicle belonging to the
petitioner, the said authorities are sitting tight
over the matter, thereby causing daily loss to the
petitioner for not being able to ply the said
vehicle for commercial purpose.

Learned counsel appearing for the
respondents submits that the appropriate
authority before whom such application ought to
have been made was the Commissioner of

Customs (Preventive), West Bengal, instead of the Additional Commissioner.

It appears that the Commissioner of Customs (Preventive) is not a party to the instant writ petition.

The advocate-on-record for the petitioner is granted leave to amend the cause title of the instant writ petition, thereby incorporating the Commissioner of Customs (Preventive) as a party-respondent to the present writ petition.

Learned counsel appearing for the present respondents fairly submits that he also has authority to appear for the Commissioner.

In view of the above circumstances, WPA 269 of 2019 is disposed of by directing the added respondent, being the Commissioner of Customs (Preventive), West Bengal at Kolkata, to pass a reasoned order and dispose of the application, if filed by the petitioner, within a week from date before the Commissioner, under Section 110A of the Customs Act, 1962.

The Commissioner shall dispose of such application within a fortnight from the date of making of such application, at the latest.

It is made clear that the merits of the contentions of the petitioner have not been gone into.

There will be no order as to costs.

Let photostat certified copies of this order, if applied for, be made available to the parties upon compliance of due formalities.

(Sabyasachi Bhattacharyya, J.)