

S/L. 53.
20.08.2019
MNS

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

WPA 272 of 2019

Zoramthari
-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 4.

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

The grievance of the present petitioner is
that the respondent nos. 3 and 4 are sitting tight
over an application made by the writ petitioner
under Section 110A of the Customs Act, 1962 for
a long time.

Learned counsel appearing for the
respondents submits that the application was
erroneously made before the respondent nos. 3
and 4, whereas, under the law, the same had to
be made before the respondent no. 2, that is, the
Commissioner of Customs (Preventive).

Accordingly, WPA 272 of 2019 is disposed of by granting the petitioner liberty to make an appropriate application under Section 110A of the Customs Act, 1962 before the respondent no. 2 within a week from date.

If such an application is made, the respondent no. 2 will consider and dispose of the same within a fortnight from the date of receipt of the application.

It is made clear that the merits of the claim 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.)