

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition Nos.3456 and 3459 of 2020
and WMP Nos.4032 and 4036 of 2020

N.Sowri

Old No. 9C New No. 37 Ground Floor
Karaneeswarar Pagoda Street Mylapore

Chennai 600004 ...Petitioner in WP.No.3456 of 2020

Rehoboth Enterprises
Rep.by its Proprietor

N.Sowri

Old No. 9C New No. 37 Ground Floor
Karaneeswarar Pagoda Street Mylapore

Chennai 600004 ...Petitioner in WP.No.3459 of 2020

Vs.

1 The Additional Commissioner
of Customs Chennai II Commissionerate
Custom House No. 60 Rajaji Salai Chennai
600001

2 The Assistant Commissioner of
Customs-Group-5A (The Revenue Recovery
Officer Unit CH-II) Office of Commissioner
of Customs Chennai II Custom House No. 60
Rajaji Salai
Chennai.

..Respondents in Both the Petitions

Prayer in WP.No.3456 of 2020 : PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records issued by the 2nd Respondent in Revenue Recovery Proceedings in F.No. RRU28/2019-RRU-II dated 14.01.2020 and quash the same and forbear the Respondents from making recovery of penalty of Rs. 2 Crores pursuant to the order in Original No. 45595/ 2016 dated 08.03.2016 passed by the 1st Respondent the Additional Commissioner of Customs Group-5A Chennai.

Prayer in WP.No.3459 of 2020 : Writ Petition filed to issue a Writ of Mandamus directing the second respondent to raise the freezing order issued to the petitioner's bank account No.802520110000274, maintained at Bank of India, Chennai, Overseas Branch, Chennai - 600 001 pursuant to the Revenue Recovery Proceedings initiated on 04.02.2020 by the second respondent for the recovery penalty imposed by the first respondent as per order in Original No.45505 dated 08.03.2016 and direct the second respondent to permit the petitioner to operate his bank account.

For Petitioner : Mr.M.Abdul Nazeer

For Respondents : Mr.T.L.Thirumalaisamy,
Senior Panel Counsel

COMMON ORDER

The present Writ Petitions are filed challenging coercive recovery action arising from Order-in-Original No.45505 of 2016 dated 08.03.2016.

2. Learned counsel for the petitioner states that the order-in-original is itself challenged by way of Writ Petition in W.P.No.14764 of 2016 pending before the Writ Court.

3. In such a case, it is appropriate that interim protection in regard to the aforesaid order-in-original be sought in the pending Writ Petition itself and not by way of a separate Writ Petition.

4. These Writ Petitions are thus closed and the petitioner is granted liberty to seek appropriate remedy for protection in the pending Writ Petition. No costs. Connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(C.S.II)

/True Copy/

Sub Assistant Registrar

To

- 1 The Additional Commissioner
of Customs Chennai II Commissionerate
Custom House No. 60 Rajaji Salai Chennai
600001

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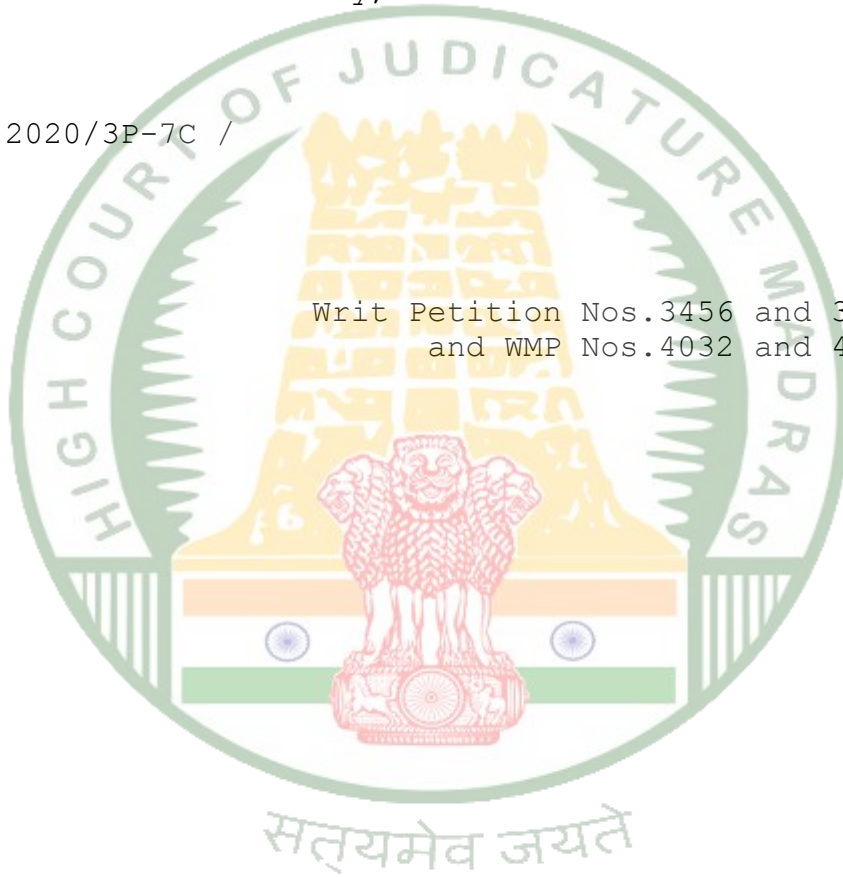
2 The Assistant Commissioner of
Customs-Group-5A (The Revenue Recovery
Officer Unit CH-II) Office of Commissioner
of Customs Chennai II Custom House No. 60
Rajaji Salai Chennai.

+2cc to Mr.M.Abdul Nazeer, Advocate Sr.No.11675

+2cc to Mr.T.L.Thirumalaisamy, Advocate Sr.No.11866 and 11867

AKM/13.02.2020/3P-7C /

Writ Petition Nos.3456 and 3459 of 2020
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