

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.5625 of 2021

and

WMP. No.6229 of 2021

Mr.Hyder Ali Noor Mohamed

.... Petitioner

Vs.

- 1.The Assistant Commisioner of Customs,
Prosecution Unit -Air
O/o.The Commissioner of Customs,
Chennai -I Commissionerate
New Custom House, Meenambakkam,
Chennai - 600 027.
- 2.The Assistatant Commissioner of Customs
Adjudication -Air
O/o.The Commissioner of Customs,
Chennai -I Commissionerate
New Custom House, Meenambakkam,
Chennai - 600 027.
- 3.The Principal Commissioner (RA) &
Ex-Officio Additional Secretary to the
Government of India,
8th Floor, Centre-1, World Trade Centre, Cuffe Parade,
Mumbai 400 005.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus to direct the 1st respondent to restrain from disposing the gold confiscated vide order-in-original No.250/2019-20 dated 20.11.2019 till the disposal of the revision application in F.No.373/150/B/2020-RA, by the 3rd respondent.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.J.Vasu
1 and 2 Junior Standing Counsel

O R D E R

Learned counsel for the petitioner states that the petitioner intends to move the statutory authorities seeking interim protection as indicated by this Court on 09.03.2021 and thus this writ petition is not pursued.

2. A memo dated 08.04.2021 is filed to the aforesaid effect, reading as follows:

'The petitioner had filed writ petition No.5625 of 2021 with a prayer to restrain the 1st respondent from disposing the gold confiscated vide order-in-original No.250/2019 dated 20.11.2019 till the disposal of the revision application filed by the petitioner before the 3rd respondent. This Hon'ble Court, vide order dated 09.03.2021 held that the revisional authority could grant interim relief and power of stay has to be read into the provisions of Section 129DD of Customs Act, 1962. Accordingly, the petitioner is seeking leave of this Hon'ble Court to withdraw the writ petition with liberty to file a stay application before the 3rd respondent viz., The Revisional Authority. The writ petition may be permitted to be withdrawn with the above liberty.'

3. Recording the same, this writ petition is closed. Status quo granted by this Court on 09.03.2021 will continue for a period of two (2) weeks from today. Connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar (CS III)

/TRUE COPY/

सत्यमेव जयते

Sub-Assistant Registrar

rkp

To

- 1.The Assistant Commissioner of Customs,
Prosecution Unit -Air
O/o.The Commissioner of Customs,
Chennai -I Commissionerate
New Custom House, Meenambakkam,
Chennai - 600 027.

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2.The Assistatant Commissioner of Customs
Adjudication -Air
O/o.The Commissioner of Customs,
Chennai -I Commissionerate
New Custom House, Meenambakkam,
Chennai - 600 027.

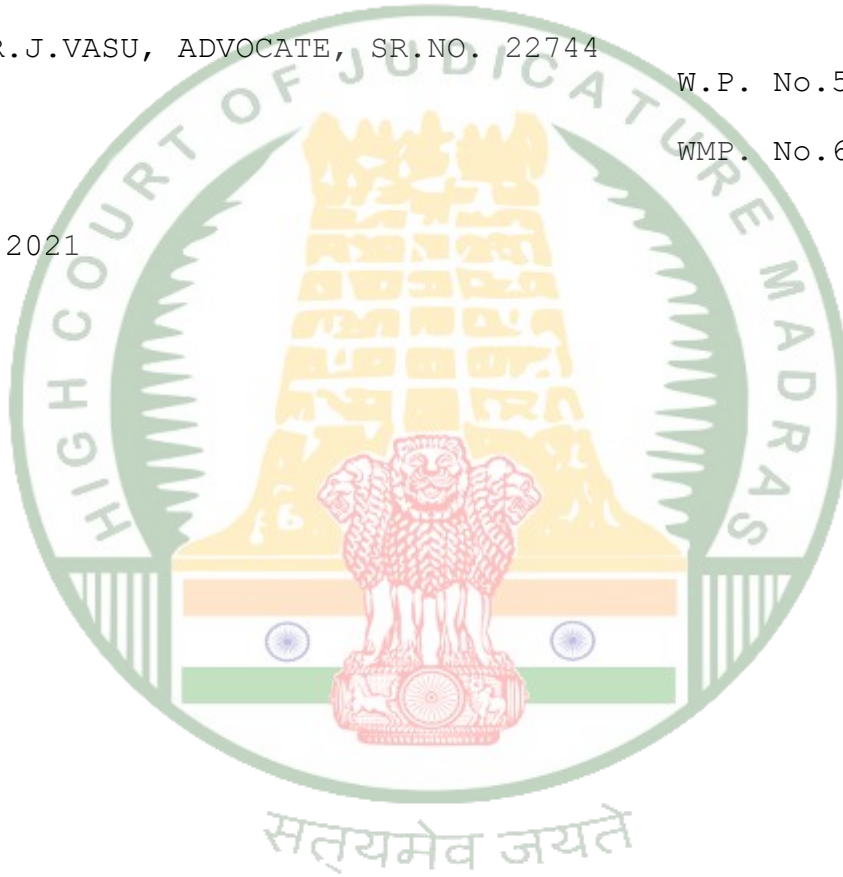
3.The Principal Commissioner (RA) &
Ex-Officio Additional Secretary to the
Government of India,
8th Floor, Centre-1, World Trade Centre, Cuffe Parade,
Mumbai 400 005.

+1CC TO MR.J.VASU, ADVOCATE, SR.NO. 22744

W.P. No.5625 of 2021
and
WMP. No.6229 of 2021

GPL (CO)

KKN 26.04.2021



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