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WPA 27176 of 2022

Saheb Hussain Khan

Vs

The Commissioner of Custom (Prevention), West
Bengal & Ors.

Mr. Lal Mohan Hazra,
Mr. Somesh Panja,
Mrs. A. Hazra,
Mrs. M. Hazra

... For the Petitioner.

Mr. Kaushik Dey,
Ms. Manasi Mukherjee

... For the Respondent Customs Authority.

Mr. Mainak Bose
Mrs. Sweta Murgain

... For the Private Respondent.

Heard learned Advocates appearing for the parties.

Petitioner has filed this writ petition in the capacity of the owner of the seized two vehicles in question challenging the impugned order dated 12th November, 2020 by filing this writ petition on 2nd December, 2022. On perusal of the aforesaid impugned order dated 12th November, 2022, it appears that the respondent authority concerned has agreed to release the seized two vehicles in question by putting certain terms and conditions therein which the petitioner is not willing to accept and wants this court to alter the terms and conditions imposed by the authority concerned for release of the two vehicles in question.

This court in exercise of the Constitutional writ jurisdiction under Article 226 of the Constitution of India cannot modify or alter the terms and conditions

of release of the two vehicles in question. Furthermore, the impugned order is an appealable order which the petitioner has not availed till date and it is also not a case that petitioner has approached this court before the expiry of the period of limitation for filing the appeal against the impugned order.

In view of the facts and circumstances of the case as appears from record and the submission of the parties I find no merit in this writ petition and, accordingly this writ petition being WPA 27176 of 2022 is dismissed.

However, dismissal of this writ petition will not be a bar for the petitioner to avail any remedy, if available under the law.

(Md. Nizamuddin, J.)