



W.P.No.15625 of 2022 &
WMP.Nos.14848, 14849 & 14855 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.11.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15625 of 2022 &
WMP.Nos.14848, 14849 & 14855 of 2022

1. Ishak,
S/o.Mohamed Aboobucker,
a Srilankan National,
presently residing at

As the next friend of

2.Ihsanul Haq,
S/o.Sahul Hameed,
Aged 24, Srilankan National with
Passport No.N8620075.

3.Mohammed Sahad,
S/o.Ameerul Azhar,
Aged 35, Srilankan National with
Passport No.N56433633.

4.Mohammed Suki,
S/o.Najmudeen,
Aged 23, Srilankan National with
Passport No.N9320766.

5.Ajmal,
S/o.Anees,
Aged 32, Srilankan National with



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Passport No.N8234195.

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6.Habeebutthamby,
S/o.Najath,
Aged 32, Srilankan National with
Passport No.N8758812.

All presently stationed at
Transit Area, Anna International Airport,
Meenambakkam, Chennai.

... Petitioners

Vs

- 1.The Chief Commissioner of Customs,
Customs House, No.60, Rajaji Salai,
Chennai – 600 001.
- 2.The Principal Commissioner of Customs,
Chennai International Airport,
Chennai – 600 027.
- 3.Airport Director,
The Airport Authority of India,
Anna International Airport,
Chennai – 600 027.
- 4.The Commandant,
Central Industrial Security Forces (CISF),
Anna International Airport,
Chennai – 600 027.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in the impugned proceedings dated 03.06.2022 in the nature of press release on the file of the 2nd respondent, quash insofar as the claim of seizure of the goods of the



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petitioners and consequentially direct the respondent Nos.1 & 2 to hand over the goods of the petitioners as per their entitlement and permit them to have hassle free travel to their home country.

For Petitioners : Mr.S.Zahir Hussain

For Respondents : Mr.Sankara Narayanan
for Mr.Santhana Raman,
Senior Standing Counsel – R1 & R2

Mr.K.K.Shivashanmugam,
Standing Counsel – R3

Mr.V.Ashok Kumar,
Central Government Counsel - R4

ORDER

This Writ Petition was originally filed on 13.06.2022 by one Ishak, a Srilankan National, claiming to be the next friend of five Srilankan Nationals, who were, at that time, stationed at the transit area in the Anna International Airport, Chennai.

2. The challenge is to a Press Release dated 03.06.2022 that reads as follows:

Date: 03.06.2022

PRESS RELEASE

***Seizure of 9.02 Kts of Gold bars of 24K purity totally worth
Rs.4.21 Crores by Chennai Air Customs***



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Acting on specific information, Chennai Air Customs Officers recovered 60 gold bars of foreign marking and one number of gold ingot totally weighing 9.02 Kgs valued at Rs.4.21 Crores from lavatory of Flight No.6E-66 dated 02.06.2022, arriving at Chennai from Dubai on 02.06.2022 at 0400 hrs and toilet of Arrival hall of Chennai International Airport. The recovered gold bars and ingots were seized under the Customs Act, 1962.

Further investigations under progress

sd/-

(K.R.UDAY BHASKAR)

Pr.Commissioner of Customs

Chennai International Airport

3. When the matter came up on 16.06.2022 under the caption 'for maintainability', the respondents were directed to be served and the matter was directed to be listed on 20.06.2022 under the same caption. On 20.06.2022, the fact that the respondents had no objection to the maintainability of the Writ Petition was recorded.

4. In view of the urgency expressed, the matter was directed to be listed under a special list and the following order was passed:

WMP No.14846 of 2022 filed seeking permission to file a single Writ Petition is ordered on payment of separate Court fee.

2. Insofar as the issue of maintainability is answered, none of the learned counsel for the respondents have any objection or difficulty in the matter being listed for admission today and the matter is so listed today under a special list.

3. Mr.Santhanaraman, learned Senior Standing Counsel accepts notice for R1 and R2 and opposes the prayer sought for by the petitioners, Mr.K.K.Shivashanmugam, learned Standing Counsel accepts notice for R3 and Mr.V.Ashok Kumar, learned Central



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Government Counsel accepts notice for R4. They seek some time to obtain instructions and file counters.

4. There is a direction to R3 and R4 to preserve the CCTV footage as sought for in WMP No.14855 of 2022 and extracted below until further orders of this Court:

i) The halting area of Indigo Flight No-6E-66 where all the passengers coming out from the above aircraft – Time 4.00 a.m. to 9.30 a.m. on 02.06.2022.

ii) The entry gate for the transit passengers who usually come from the aircraft to the bus for the Transit Passenger's entry – Time 8.00 a.m. to 9.30 a.m. on 02.06.2022.

iii) The waiting area for entering the Transit gate on the first floor – Time 8.00 a.m. to 9.30 a.m. on 02.06.2022

iv) A scanning machine and the Walk through metal detector near the transit gate to reach the departure hall – Time 8.00 a.m. to 9.30 a.m. on 02.06.2022.

v) Smoking area of Departure hall - Time 8.00 a.m. to 9.30 a.m.

vi) The resting area near Travel Club Lounge - Time 9.00 a.m.

on 02.06.2022 to 00:50 am on 03.06.2022.

5. List on 18.07.2022. Counters including on the aspect of maintainability by then with an advance copy served upon the petitioner.

5. After completion of pleadings, for which purpose, the matter was adjourned from time to time, the matter finally came up on 01.11.2022 when the submission of Mr.R.Sankaranarayanan, learned Assistant Solicitor General for Mr.Santhanaraman, learned Senior Standing Counsel to the effect that the



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customs authorities were in the process of completing investigation and were proposing to issue show cause notice under Section 124 of the Customs Act, 1962 (in short 'Act') was recorded.

6. Learned counsel had sought a days' time to file a memo to aforesaid effect and it is thus that the matter is called today. Memo dated 02.11.2022, reading as follows, is placed on file:

'This respondents 1 and 2 are in the process of investigating the issue pertaining gold seized on 2:6:2022 from the lavatory of Indigo airlines flight bearing No.6 E 66. As the petitioners in this case allege that the subject gold belongs to them, the respondents 1 and 2 after completion of investigation will issue show cause notice in accordance with Section 124 of the Customs Act, 1962.'

7. Mr.Santhanaraman will assure the Court that the investigation will be completed and show cause notice under Section 124 of the Act issued within the time frame set out under Section 110(2) of the Act. This is recorded.

8. He would, incidentally, point out that the presence of the petitioners may be required in the course of investigation itself, for which purpose, summons may be issued to them.

9. To this, Mr.Zahir Hussain, learned counsel for the petitioners would submit that presently there is a difficulty that the petitioners are facing in arriving in India on account of a ban on their arrival.



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10. Mr.Santhanaraman claims lack of knowledge of any such ban and would further assure the Court that summons, if issued, will be accompanied by all acts necessary to facilitate the arrival of the petitioners in India for the purpose of their appearance before the authorities. This is also recorded.

11. It is made clear that the investigation shall be conducted in accordance with law and shall be videographed. The earlier orders of this Court to the effect that the respondents shall preserve the CCTV footages of the seizures as well as the movement of the petitioners within the Terminal is reiterated. The recording will be retained till conclusion of proceedings in entirety, including appeal/revision.

12. The petitioners are at liberty to seek copies of the recordings (CCTV footage as well as the recordings by the Customs Authorities of the seizures) and such copies, if and when sought, shall be supplied upon payment of necessary charges.

13. With this order, the challenge to press release dated 03.06.2022, which itself indicates that investigation was under progress, becomes infructuous. This Writ Petition is closed, as are the Miscellaneous Petitions. No costs.

03.11.2022

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Speaking Order

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Dr.ANITA SUMANTH, J.

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To

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Customs House, No.60, Rajaji Salai,
Chennai – 600 001.
- 2.The Principal Commissioner of Customs,
Chennai International Airport,
Chennai – 600 027.
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