



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.2616 of 2021

and

W.M.P(MD) Nos.2154 and 2155 of 2021

Jahubar Sathik

... Petitioner

Vs.

The Additional Commissioner of Customs,
Central Intelligence Unit (CIU),
Head Quarters Office,
Trichy.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent in his proceedings C.No.VIII/10/93/2020-Cus.Adj. dated 10.12.2020 and quash the same as illegal.

For Petitioner	: Mr.T.Lenin Kumar
For Respondent	: Mr.K.Prabhu Junior Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Junior Standing Counsel for the respondent.

2. The petitioner appears to have indulged in storage of dried sea horses and dried baby pipe fishes in abandoned condition, which are prohibited under Wild Life Protection Act and Customs Act.

3. The petitioner was issued with summons. However, the petitioner evaded the same. It appears that the petitioner apprehended to arrest and therefore, moved this Court for Anticipatory Bail. The summons issued by the respondent to the petitioner was also answered by the petitioner's mother-in-law. Since the petitioner failed to appear before the respondent, the respondent appears to have issued the show cause notice, dated 22.09.2020, which was sent to the petitioner by speed post and displayed in the notice board of Headquarters Office at Trichy. The petitioner has not replied to the same.



4. Now, the petitioner filed this writ petition challenging the impugned order in Original No.194 of 2020, dated 10.12.2020 on the ground that violation of Principles of Natural Justice. The fact that the petitioner has approached this Court for anticipatory bail and had failed to answer the summons of the department indicate that petitioner has not co-operated with the respondent. Under these circumstances, the respondent has issued repeated summons and the summons were received by petitioner's mother-in-law on his behalf. Since the summons remained unanswered, the petitioner was issued with a show cause notice, dated 22.09.2020. The petitioner has not replied to the same. The petitioner has not made out any case for interference. The petitioner had failed to co-operate with the department's repeated summons.

5. Under these circumstances, I do not find any merits in the present writ petition. The writ petition stands dismissed. However, liberty is given to the petitioner to file a statutory appeal before the Appellate Commissioner within a period of 60 days from the date of receipt of copy of this order. If such appeal is filed by the petitioner along with pre-deposit required under the provisions of the Customs Act, the Appellate Commissioner shall consider the appeal and dispose of the same. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

The Additional Commissioner of Customs,
Central Intelligence Unit (CIU),
Head Quarters Office,
Trichy.

+1 CC to M/s.K.PRABHU, Advocate (SR-16272[F] dated 04/04/2022)

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-16496[F] dated
05/04/2022)

W.P(MD).No.2616 of 2021
01.04.2022

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