



W.P.No.8560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.8560 of 2023
and
W.M.P.Nos.8744 & 8747 of 2023

Syed Ameenur Rahman

.. Petitioner

VS

1.The Principal Commissioner of Customs,
New Custom House,
Meenambakkam, Chennai – 600 016.

2.The Additional Director General,
Directorate of Revenue Intelligence,
No.27, G.N.Chetty Street, T.Nagar,
Chennai – 600 017.

3.Additional Commissioner of Customs,
Airport Adjudication,
3rd Floor, New Custom House,
Chennai – 600 016.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records on the file of the second respondent in Show Cause Notice No.FNO.DRI/CZU/VIII/48/ENQ-1/INT-09/2021 dated 21.09.2022 and quash the same as illegal, arbitrary and unsustainable in law and on facts in so far as the petitioner is concerned and consequently direct the respondents to release the petitioner's Maruthi Ertiga Car bearing No.TN 03 Y 2395 pursuant to the petitioner's reply dated 27.12.2022 within a time frame.



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For Petitioner : Mr.AR.M.Arunachalam
For Respondents : Mr.Sai Srujan Tayi,
Senior Panel Counsel
for R1 and R3
Mr.V.Sundareswaran,
Senior Panel Counsel for R2

ORDER

I had occasion to consider an identical matter in W.P.No.8278 of 2023 and Mr.Sai Srujan Tayi, learned Senior Panel Counsel, who has accepted notice for the respondents now, states that the same order may be passed in the present case as well as it is identical in all respects, including the dates mentioned at paragraph 3 of that order. The order dated 16.03.2023 reads thus:-

"The challenge in this writ petition is to a show-cause notice dated 21.09.2022 issued under the provisions of the Customs Act, 1962 (in short, 'Act'). The petitioner also seeks a consequential direction to the respondents to release his car (Toyota Innova) bearing TN 41 AS 4646 that was seized on 23.09.2021.

2. Mr.Sai Srujan Tayi, learned Senior Panel Counsel, who accepts notice for all respondents states that much water has flown under the bridge pursuant to issuance of show-cause notice.

3. The petitioner has responded, appeared on various dates including 25.02.2023 through his consultant, who has



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been heard in full. Orders have been reserved on 25.02.2023 and he assures the Court and the petitioner that orders will be passed within four weeks from date of receipt of this order. No other legal infirmity is pointed out in the show-cause notice that would justify intervention of this Court at this juncture.

4. Bearing in mind that the petitioner is himself cooperating in the proceedings before the authorities, it would be appropriate for this Court to record the undertaking of the respondents to the effect that the proceedings pursuant to show-cause notice dated 21.09.2022 will culminate in an order passed within four weeks from date of receipt of this order and I do so.

5. This writ petition is dismissed in light of the discussion as above. No costs. Connected miscellaneous petitions are closed."

2. In light of the identity of facts as acceded to by both learned counsel, same order as above is passed in this matter as well. The present writ petition is also dismissed in light of the discussion contained therein. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2023

Index:Yes/No
Neutral Citation:Yes
ssm



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To

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DR. ANITA SUMANTH,J.

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