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W.P.No.13294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.13294 of 2023

Shri Mahaveer Kumar

... Petitioner

Vs.

1. The Additional Commissioner of Customs
(Gr.3), Chennai Commissionerate II,
No.60, Rajaji Salai, Customs House,
Chennai 600 001.

2. The Deputy Director,
Directorate General of Intelligence,
G.N. Chetty Road, T. Nagar,
Chennai 600 017.

3. The Deputy Director General,
Directorate of Revenue Intelligence,
Ahmedabad Zonal Unit, No.15,
Magnet Corporate Park,
Off: S.G. Highway near Soal
Over Bridge, Ahmedabad 380 063.

4. The Senior Intelligence Officer,
Directorate of Revenue Intelligence
Ahmedabad Zonal Unit, No.15,
Magnet Corporate Park,
Off: S.G.Highway near Soal Over Bridge,
Ahmedabad 380 063.

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Respondents

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PRAAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd and 4th respondents herein to consider the representation of the petitioner dated 07.04.2022, in so far as, in the said representation, the petitioner had sought for to return back the documents, as narrated therein, which documents were seized from the premises of the petitioner, vide seizure mahazar dated 09.10.2017.

For Petitioner : Mr. S. Baskaran

For Respondents : Mr. Rajendran Raghavan,
Senior Panel Counsel for R1
Mr. Sundareswaran,
Senior Standing Counsel for R2 to R4

ORDER

This Writ Petition is filed for a direction to the 3rd and 4th respondents to consider the representation of the petitioner dated 07.04.2022 seeking to return back the documents that were seized during search conducted at the petitioner's premises on 09.10.2017.



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2. The case of the petitioner is that the respondents 3 and 4/ i.e., the DRI authorities conducted search in the premises of the petitioner on 06.10.2017 and during the course of search, they seized the following materials vide seizure mahazar dated 09.10.2017.

1. Samsung Phone – Model No.SMG935FD
2. Vivo Mobile Phone – Model no.V3 R-85001031
3. MI Mobile Phone - Model MAI-132
4. Seagate Harddisk
5. All Original documents pertaining to import made in the name of M/s. Reliable International-Bill of Entry Nos.(1)8453543 dated 06.02.2017 (2) 8660516 dated 23.02.2017 (3) 8663337 dated 23.01.2017 and (4) 8842615 dated 10.03.2017

3. The learned counsel for the petitioner submitted that the DRI authorities have seized the aforesaid materials in the year 2017 by virtue of seizure mahazar dated 09.10.2017 and the said materials are now required by the petitioner for submitting the same to various statutory authorities as well as for record purpose and also for settling the accounts with the debtors and creditors concerning his business operations made in the name of



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erstwhile proprietorship concern viz., M/s. Reliable International and the said materials were also required for other litigation purpose raised by various other parties due to the investigation carried out by the DRI. Therefore, the petitioner gave a representation dated 07.04.2022 to the respondents, however, till date, they have not considered the representation of the petitioner. Hence, the petitioner, left with no other alternative, has filed the present writ petition.

4. In reply, Mr. Sundareswaran, learned Senior Standing Counsel appearing for the respondents 2 to 4 fairly submitted that it is appropriate if this court passes any order to consider the petitioner's representation, the same would be considered by the respondents.

5. I have considered the submissions made by the learned counsel for the petitioner as well as the learned senior counsel appearing for the respondents and also perused the materials on record.



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6. It is seen that the representation of the petitioner dated 07.04.2022 has been kept pending by the respondents without passing any orders for almost 1 ½ years. Therefore, this court directs the respondents 3 and 4 to consider the representation of the petitioner dated 07.04.2022 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of the order.

7. This Writ Petition is disposed of with the above direction. No costs.

12.12.2023

msr

Index:Yes/No

Internet:Yes/No

To

The Additional Commissioner of Customs
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No.60, Rajaji Salai, Customs House,
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2. The Deputy Director,
Directorate General of Intelligence,
G.N. Chetty Road, T. Nagar,
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3. The Deputy Director General,
Directorate of Revenue Intelligence,

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Ahmedabad Zonal Unit, No.15,
Magnet Corporate Park,
Off: S.G. Highway near Soal
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4. The Senior Intelligence Officer,
Directorate of Revenue Intelligence
Ahmedabad Zonal Unit, No.15,
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KRISHNAN RAMASAMY, J.



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