



WP(MD)No.7232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

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Akrosiya

... Petitioner

Vs.

The Deputy Commissioner of Customs,
Office of the Deputy Commissioner of Customs,
Airport Intelligence Unit (AIU),
Airport, Trichy.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondent to return back the petitioner's amount of Rs.21,00,000/- which was seized by them on 26.02.2023 based on the petitioner's representation dated 28.02.2023, within the time frame fixed by this Court.

For Petitioner	:	Mr.Rahamadullah
For Respondent	:	Mr.N.Dilip Kumar, Senior Standing Counsel, Assisted by, Mr.S.Ragavendre, Junior Standing Counsel



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ORDER

This writ petition is filed for a mandamus seeking to direct the respondent to return the petitioner's amount of Rs.21,00,000/- which was seized by them on 26.02.2023 based on the petitioner's representation dated 28.02.2023.

2. It is the case of the petitioner that on 26.02.2023, she was travelling to Malaysia from Trichy carrying cash of Rs.21,00,000/-. This amount in cash was being taken to meet her husband's medical expenses. She would submit that the above sum has been got by her from an Agreement to sell her property on 23.02.2023 and by pledging 145 grams of gold jewels on 09.02.2023 in the Tamil Nadu Grama Bank, Pattinamkathan Branch. She would submit that during the checking at the Airport, the fact that she was carrying this huge amount in cash came to light and she was detained and enquired by the officers of the respondent concerned. She would submit that she being an illiterate did not know that there was prohibition to carry cash of such huge amount. She would submit that though she had given her explanation, the



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respondent insisted on seizing the said amount from her. It is her case that on 28.02.2023, she had sent a detailed explanation through registered post with relevant documents to show the sources for the above said amount of Rs.21,00,000/- and the same was received by the respondent. However, till date nor had they taken action to return the amount neither have they responded to the representation. Therefore, the writ petitioner is before this Court.

3. Heard the learned counsels on either side.

4. The defense that is put forward by the petitioner is that she is an illiterate and she does not know that she cannot carry cash of such huge amount. Further, the money has been accounted for as she has stated that the said amount of Rs.21,00,000/- was got by her by entering into an Agreement with reference to house property with one Mohammed Hussain on 23.02.2023, wherein the sale consideration was fixed as Rs. 30,00,000/- and she had received an advance of Rs.15,00,000/-. That apart, she had on 09.02.2023 pledged 145 grams of gold jewels and



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received a sum of Rs.6,10,000/-. These amounts form the basis for Rs. 21,00,000/-. She has enclosed an unregistered sale deed and a receipt from the Tamil Nadu Grama Bank, Pattinamkathan Branch, apart from a sale deed dated 18.09.2015, which is the sale deed, in which she had purchased the property in the year 2015 for a sum of Rs.1,34,000/-. The Agreement produced by the petitioner does not contain the details of the property that is proposed to be sold.

5. Be that as it may, this writ petition is disposed of with the following directions.

(i) The respondent shall issue a fresh notice to the petitioner giving the date of hearing, on which date, the petitioner shall appear before the respondent with all the necessary documents and the same shall be considered by the respondent.

(ii) The petitioner shall be afford a personal hearing.

(iii) Speaking orders to be passed by the respondent.

(iv) The above exercises shall be completed within a period of three weeks from the date of receipt of a copy of this order.



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(v) It is made clear that the petitioner shall appear before the respondent in person and no Power Agent or authorized representative will be present. However, a counsel is permitted to accompany her.

6. There shall be no order as to costs.

03.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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P.T.ASHA, J.

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