



WEB COPY



W.P.Nos.32167, 34164 & 34166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition Nos.32167, 34164 & 34166 of 2023

In W.P.No.32167 of 2023

Muhamed Basith

... Petitioner

-VS-

1.The Joint Commissioner of Customs,
Office of the Principal Commissioner of Customs,
Chennai-I Commissionerate,
New Customs House,
GST Road, Meenambakkam,
Chennai-600 016.

2.The Additional Director General,
Directorate of Revenue Intelligence,
27, G.N.Chetty Road,
T.Nagar, Chennai-600 017.

3.The Assistant Commissioner of Customs (Airport),
Batch-C, Anna International Airport,
Chennai-600 027.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus calling for the records relating



W.P.Nos.32167, 34164 & 34166 of 2023

to the Detention Receipt made by the 3rd respondent in DR/INMAA4/15-09-2023/003437 dated 15.09.2023, drawn at Chennai International Airport, Chennai and quash the same as illegal and direct the respondents to release/return the detained goods covered by DR/INMAA4/15-09-2023/003437 dated 15.09.2023 drawn at Chennai International Airport, Chennai, to the petitioner after payment of appropriate duty.

Noufal Khan

... Petitioner in W.P.No.34164 of 2023

Syed Meeran

... Petitioner in W.P.No.34166 of 2023

-VS-

1. Deputy Commissioner of Customs,
Batch-C, Office of the Principal
Commissioner of Customs,
Chennai-I Commissionerate,
Meenambakkam,
Chennai-600 016.

2. The Additional Director General of
Revenue Intelligence,
Chennai Zonal Unit,
27, Adarsh Tower,
G.N.Chetty Road, T.Nagar,
Chennai-600 017.



W.P.Nos.32167, 34164 & 34166 of 2023

3.The Principal Commissioner of Customs,
Chennai-I Commissionerate,
New Custom House,
GST Road, Meenambakkam,
Chennai-600 106.

4.The Chief Commissioner of Customs,
Custom House, No.60, Rajaji Salai,
Chennai-600 001.

... Respondents in both
W.P.Nos.34164 & 34166 of 2023

Prayer in W.P.No.34164 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the Order-In-Original No.388/2023-2024 Commissionerate-I dated 08.11.2023 issued by the 1st respondent and quash the same as illegal and consequently direct the respondents to release/return the detained goods covered by Detention Receipt No.DR/INMAA4/15-09-2023/003445 dated 15.09.2023, drawn at Chennai International Airport, Chennai, to the petitioner after payment of appropriate duty.

Prayer in W.P.No.34166 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the Order-In-Original No.389/2023-2024 Commissionerate-I dated 08.11.2023 issued by the 1st respondent and quash the same as illegal and consequently direct the respondents to release/return the detained goods covered by Detention Receipt No.DR/INMAA4/15-09-



W.P.Nos.32167, 34164 & 34166 of 2023

2023/003454 dated 15.09.2023, drawn at Chennai International Airport, Chennai, to the petitioner after payment of appropriate duty.

In all WPs.

For Petitioners : Mr.M.Palanivel

For Respondents : Mr.V.Sundareswaran,
Senior Standing Counsel

COMMON ORDER

W.P.Nos.32167 & 34164 of 2023 are filed in respect of detention orders and W.P.No.34166 of 2023 is filed in respect of an order of confiscation.

2. In all these cases, the orders impugned therein were issued pursuant to intelligence received with regard to 148 frequent fliers who arrived from Dubai via Muscat in Oman Airlines flight WY253 to Chennai. Upon becoming suspicious in view of the circuitous route adopted by these persons, the customs authority intercepted the passengers and recovered goods that such passengers carried. Pursuant to a personal hearing, the orders impugned herein were issued.



W.P.Nos.32167, 34164 & 34166 of 2023

3. Learned counsel for the respective petitioner submits that the respective petitioner was not provided an opportunity in terms of Section 77 of the Customs Act, 1962 to declare the contents of the baggage carried by such person to the proper officer. He further submits that the respective petitioner is ready and willing to pay customs duty and that the orders impugned warrant interference.

4. Mr.V.Sundareswaran, learned senior standing counsel, countered these submissions by pointing out that these passengers were intercepted on account of intelligence about their functioning as a syndicate. By referring to the order impugned in W.P.No.34164 of 2023, learned senior standing counsel submits that the respective petitioner has raised a dispute with regard to matters involving disputed questions of fact. He further submits that the respective petitioner should have availed of the statutory remedy.

5. Each of the orders impugned herein were issued in November 2023. The petitioner has approached this Court in November 2023. On examining the orders impugned herein, I find that the dispute turns on



W.P.Nos.32167, 34164 & 34166 of 2023

questions of fact. Moreover, it appears that the detentions and confiscation challenged herein relate to action taken against a group of about 148 persons. Therefore, it is appropriate that the respective petitioner files a statutory appeal. Since these writ petitions were filed within the period of limitation, the time taken in prosecuting these petitions is liable to be excluded for purposes of computing the period of limitation for presenting statutory appeals.

6. Consequently, these writ petitions are disposed of by granting leave to the respective petitioner to present statutory appeals. If such appeals are presented within a maximum period of ten days from the date of receipt of a copy of this order, the appellate authority is directed to receive and dispose of such appeals on merits without going into the question of limitation. This order will not stand in the way of the respondents proceeding with adjudication pursuant to the detention orders. There will be no order as to costs.

19.02.2024

Index : Yes / No

Internet : Yes / No



W.P.Nos.32167, 34164 & 34166 of 2023

Neutral Citation: Yes / No

kj

WEB COPY

To

1.The Joint Commissioner of Customs,
Office of the Principal Commissioner of Customs,
Chennai-I Commissionerate,
New Customs House,
GST Road, Meenambakkam,
Chennai-600 016.

2.The Additional Director General,
Directorate of Revenue Intelligence,
27, Adarsh Tower, G.N.Chetty Road,
T.Nagar, Chennai-600 017.

3.The Assistant Commissioner of Customs (Airport),
Batch-C, Anna International Airport,
Chennai-600 027.

4.Deputy Commissioner of Customs,
Batch-C, Office of the Principal
Commissioner of Customs,
Chennai-I Commissionerate,
Meenambakkam,
Chennai-600 016.

5.The Principal Commissioner of Customs,
Chennai-I Commissionerate,
New Custom House,
GST Road, Meenambakkam,
Chennai-600 106.

6.The Chief Commissioner of Customs,

7/8



W.P.Nos.32167, 34164 & 34166 of 2023

Custom House, No.60, Rajaji Salai,
Chennai-600 001.

WEB COPY

SENTHILKUMAR RAMAMOORTHY,J

kj

Writ Petition Nos.32167, 34164 & 34166 of 2023

19.02.2024