



W.P(MD)No.5063 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5063 of 2024

Abubackar Siddipq

...Petitioner

Vs.

The Deputy Commissioner of Customs,
The Office of the Deputy/
Assitant Commissioner of Customs,
International Airport,
Sembattu,
Tiruchirapallai,
Tamil Nadu – 620 007.

....Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a writ of Mandamus, directing the respondent to pass an order on merits and issue the original order copy in O.R.No.18/2022-23-CIU, Trichy Dated 21.11.2022 within a time bound framed by this Court.

For Petitioner : Mr.S.Mohammed Azharuddin
For Respondent : Mr.N.Dilip Kumar
Standing Counsel



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ORDER

This Writ Petition is filed for a mandamus, directing the respondent to pass an order on merits and issue the original order copy in O.R.No.18/2022-23-CIU, Trichy dated 21.11.2022 within a time stipulated by this Court.

2. The brief facts, which are necessary for disposal of this Writ Petition, are as follows:

The petitioner arrived at Trichy International Airport from Kuala Lumpur, Malaysia on 21.11.2022 and he has also disclosed the gold chain weighing 170.00gms to the Customs Officer. The Customs Officer seized the gold chain and registered a case in O.R.No.18/2022-23-CIU, Trichy, Dated 21.11.2022 against the petitioner. A Show Cause Notice was issued to the petitioner on 18.05.2023 from the respondent and the petitioner has appeared for the enquiry along with his Advocate on 27.07.2023. The petitioner has provided his explanation in the enquiry. Though the enquiry was



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concluded on 27.07.2023, the respondent has not passed any order and therefore, the petitioner has filed the present Writ Petition seeking a direction to the respondent to pass final order in the enquiry contemplated as against the petitioner in O.R.No. 18/2022-23-CIU, Trichy dated 21.11.2022.

3. Mr.N.Dilip Kumar, learned standing counsel takes notice for the respondent and submits that enquiry has already been concluded and final orders have also been passed, confiscating the gold, by order dated 18.12.2023. However, he fairly submits that this order dated 18.12.2023 has been communicated to this petitioner to an incorrect address and subsequently, it was communicated to the correct address. Further, a copy of the order dated 18.12.2023 has also been furnished to the learned counsel for the petitioner in the open Court today. The learned Standing Counsel further submits that the petitioner is having an appeal remedy before the Commissioner.



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4. This Court considered the rival submissions made on either side and also perused the materials placed on record.

5. The petitioner's gold chain was seized on 21.11.2022 for which a Show Cause Notice was issued on 18.05.2023 and the petitioner stated to have participated in the enquiry in the month of June 2023 and the petitioner has offered his explanation in June 2023. After conducting the enquiry, final order has been passed on 18.12.2023, confiscating the gold ornament seized by the respondent. Though it is agreed that the final order has been communicated to a wrong address, the learned standing counsel claims that another copy of the order has been sent to the petitioner's correct address. A copy of the order is furnished to the petitioner's counsel also.



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6.In view of the submission made by the learned standing counsel for the respondent that the final order, confiscating the gold ornament of the petitioner has been passed, this writ petition is closed with a liberty to the petitioner to file an appeal before the Commissioner/the Appellate Authority and on such filing of an appeal, the same shall be considered by the Appellate Authority by calculating the period of limitation from the date of receipt of the order by the petitioner. No costs.

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Index : Yes / No
NCC : Yes / No
vrn

To

The Deputy Commissioner of Customs,
The Office of the Deputy/Assitant Commissioner of Customs,
International Airport, Sembattu,
Tiruchirapallai, Tamil Nadu – 620 007.



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B.PUGALENDHI, J.

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