



W.A.No.1664 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.No.1664 of 2025
and CMP.Nos.12436 & 12437 of 2025**

1.The Directorate of Revenue Intelligence,
Chennai Zonal Unit,
G.N.Chetty Road, T.Nagar,
Chennai 600017.

2.The Commissioner of Customs (Preventive),
No.1, Williams Road, Cantonment,
Trichy-620 001.

.. Appellants

VS

R.Kumaresan @ Mukesh

.. Respondent

Prayer : Appeal filed under Clause 15 of Letters Patent against order
dated 23.08.2024 made in W.P.No.6115 of 2022 on the file of this Court.

For Appellants : Mr.V.Murali

For Respondent : Mr.S.R.Rajagopal, Senior Counsel
for Mr.A.P.Ravi

JUDGMENT



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(Delivered by Dr. ANITA SUMANTH.,J)

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This writ appeal has been filed by the Director of Revenue Intelligence (in short 'DRI') and Commissioner of Customs (Preventive) challenging an order passed by the writ Court on 23.08.2024.

2.The sole respondent was the writ petitioner who had sought a mandamus directing the DRI to return seized birds and animals to the respondent to safe keeping and proper maintenance relying on an order of the Commissioner (Appeals) dated 24.06.2024 in its favour.

3.An inspection had been conducted in the premises of the respondent, who is admittedly a breeder of animals and birds. The appellants were of the view that various birds and animals found in the premises had been imported and were in the possession of the respondent contrary to the provisions of the Customs Act and connected Rules. Hence, the birds and animals were seized apart from a vehicle, cash and other assets and an order-in-original dated 10.12.2019 has been passed. The respondent challenged the order-in-appeal successfully.

4.When the matter had come up before the writ Court, the Court noted that the Commissioner (Appeals) had allowed the appeal and hence granted the mandamus setting aside the confiscation and the penalty and



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noting that no appeal had been filed against the order of the Commissioner (Appeals).

5.The present appeal has been filed on the ground that as on the date when the order of the writ Court has been passed, the statutory time limit for filing of appeal had still been available. In fact, the appellants confirmed that the appeal has been filed before the CESTAT, also within the stipulated time. On that one score, we would have to intervene and we do so. The order of the writ Court is set aside in light of the appeal filed subsequently by the appellants.

6.As far as the present position is concerned, we had asked the appellants to obtain instructions as to the status of the exotic birds and animals and vide letter dated 12.07.2025, the Deputy Director of Arignar Anna Zoological Park in whose custody the animals and birds had been entrusted confirms that only 28 exotic birds are available in the Zoo as against 69 birds and 2 animals that had been handed over to their custody.

7.It is very sad to hear that the bulk of the birds seized have died over the last seven years, apart from natural causes, from diseases like pneumonia, trauma, myocarditis and natural calamities. Had the litigation been concluded in a timely fashion, it might have ensured that



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some of the birds and animals seized were alive today.

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8.Since the matter is now pending before the CESTAT, the respondent may approach the CESTAT for appropriate directions for release of the birds and animals, to be considered by the CESTAT in accordance with law. As and when such applications are filed, let the same be considered expeditiously having regard to the fate of the birds now in the custody of the Zoo. This Writ Appeal is closed with the aforesaid observations. No costs. Connected miscellaneous petitions are also closed.

[A.S.M., J] [N.S., J]
14.07.2025

Index:Yes/No
Speaking order
Neutral Citation:Yes
vs



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