



W.P.(MD)No.4042 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4042 of 2025

and

W.M.P.(MD)No.2904 of 2025

Tharik Anvar Kadhar

... Petitioner

-VS-

1.The Deputy Commissioner of Customs,
CIU, Tiruchirappalli.

2.The Additional / Joint Commissioner of Customs,
HORS, Tiruchirappalli.

3.The Superintendent of Customs,
Air International Unit,
International Airport,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned seizure order in O.R.No.01/2025 – AIU, TRY, dated 01.01.2025, passed by the third respondent and quash the same as illegal and further direct the respondents to release the petitioner's money for a sum of Rs.11,00 000/- with a fine amount to be deducted by the respondents by considering petitioner's



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representation dated 04.02.2025, within a time that may be stipulated by this Court.

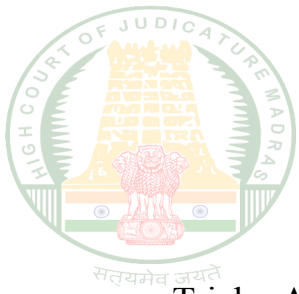
For Petitioner : Ms.G.Dhanalakshmi
For Respondents : Mr.R.Nandakumar
Senior Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the impugned seizure order in O.R.No.01/2025 – AIU, TRY, dated 01.01.2025, passed by the third respondent and consequently, to direct the respondents to release the petitioner's money for a sum of Rs.11,00 000/- with a fine amount to be deducted by the respondents by considering petitioner's representation dated 04.02.2025.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The petitioner claims that he is the lawful owner of a sum of Rs.11,00,000/- (a sum of Rs.6,50,000/- acquired by pledging his mother's jewels and Rs.4,50,000/- borrowed from his mother's sister). He was travelling from



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Trichy Airport to Malaysia on 01.01.2025, carrying the above-mentioned sum of money along with his personal belongings to board his pre-booked flight. At the airport, the third respondent's officials seized the money under the pretext of an alleged attempt to smuggle Indian Currency out of the Country. However, the petitioner denies any such intention or illicit activity. The petitioner was simply carrying his own money for personal purposes, which was legally acquired and lawfully in his possession. Despite his repeated requests, the officials of the third respondent refused to release the seized money. The petitioner is aggrieved by the arbitrary seizure of the money and the subsequent failure of the authorities to release the money seized from him.

4. The petitioner submits that in an effort to resolve the issue amicably, he submitted a detailed representation dated 04.02.2025, requesting the respondents to release the sum of Rs.11,00,000/- and to cancel the impugned seizure order dated 01.01.2025. Since no action has been taken, the petitioner has now filed the present Writ Petition.

5. Heard both sides.



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6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 04.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

17.02.2025

To:-

- 1.The Deputy Commissioner of Customs,
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HORS, Tiruchirappalli.
- 3.The Superintendent of Customs,
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VIVEK KUMAR SINGH, J.

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