



WEB COPY

WP No. 14429 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 14429 of 2024 and W.M.P. No.15702 & 15705 of 2024

Mohamed Salman Kaiz

Petitioner(s)

Vs

1. The Principal Commissioner Of
Customs
O/o Principal Commissioner Of
Customs (airport) New Customs House,
Meenambakkam Chennai 600 016

2.The Deputy Commissioner Of
Customs
New Customs House, Meenambakkam
Chennai 600 106

3.Assistant Commissioner Of Customs
Disposal - Air Chennai -i
Commissionerate O/o Principal
Commissioner Of Customs (airport)
Chennai Airport Commissionerate New
Customs House, Meenambakkam
Chennai 600 016

4.Superintendent Of Customs
Air Intelligence Unit (aiu) Anna
International Terminal Chennai Airport
Chennai 600 027

5.Superintendent Of Customs (r And I
Air)
New Custom House, Meenambakkam,
Chennai 600 016



6.Air India
Rep By Its General Manager Block -4,
Vatika One On One Sector 16, Nh -48
Industrial Estate Gurugram 122 007
Haryana

Respondent(s)

PRAYER

Call for the entire records pertaining to the impugned seizure memo dated 28.02.2024 in OS 267/2024 - AIU A issued by the 4th Respondent and consequential pre-trial disposal letter dated 06.03.2024 in File No. ARPT / DISP/ VAL / GOLD / 10 2023 - DISP - CUS - AIR - CHENNAI issued by the 3rd Respondent against the petitioner and quash the same and consequently direct the Respondents to send the Petitioners baggage with tag No. A1922377 to the final destination singapore within the time stipulated by this Honourable Court.

For Petitioner(s): Mr.K.Nirmal Kumar
For Mr. S. Musthabha

For Respondent(s): Mr.A.R.L.Sundaresan,
ASG Assisted By
Mr. M. Santhanaraman,
SSC For R1 To R5
Mr. N.G.R. Prasad For R6

ORDER

This writ petition has been filed, challenging the impugned seizure memo dated 28.02.2024 issued by the fourth respondent and the consequential pre-trial disposal letter dated 06.03.2024 issued by the third respondent.



2.The petitioner claims that the impugned seizure memo dated 28.02.2024 and the consequential pre-trial disposal letter dated 06.03.2024, referred to supra, have been issued arbitrarily and illegally without authority under law.

3.Learned counsel for the petitioner would now submit, on instructions that the petitioner is willing to co-operate in the investigation proceedings to be conducted by the respondents pursuant to the seizure of the gold bars from the baggage of the petitioner, which is recorded in the impugned seizure memo as well as in the impugned pre-trial disposal letter. He would also submit, on instructions that once the investigation is completed, after hearing the objections of the petitioner and if under the investigation, it is found that the petitioner is a genuine passenger, having legally carried the gold bars, a direction may be issued to the respondents to return the gold bars or the value of the same to the petitioner. The aforesaid undertaking given by the petitioner through his counsel is recorded.

4.Mr.ARL.Sundaresan, learned Additional Solicitor General, assisted by Mr.M.Santhanaraman, learned Senior Standing Counsel appearing for the respondents 1 to 5 would submit that within a time frame fixed by this Court, investigation will be conducted by the respondents pertaining to the seizure of the gold bars from the petitioner, which is the subject matter of this writ

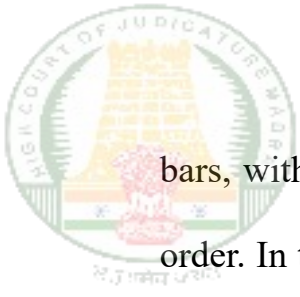


petition, provided the petitioner co-operates unconditionally with the respondents during the course of the investigation. He would also submit that if in the investigation it is found that the petitioner is a genuine passenger, who had legally carried the gold bars, which have been seized, the said gold bars or the value of the same as the case may be at the relevant point of time will be returned to the petitioner.

5. Accordingly, this Court, after recording the submissions made by the learned counsel for the petitioner as well as the learned Additional Solicitor General, assisted by Mr.M.Santhanaraman, learned Senior Standing Counsel appearing for the respondents 1 to 5, issues the following directions:

a) The respondents 1 to 5 are directed to investigate the matter subsequent to the issuance of the impugned seizure memo dated 28.02.2024 and the pre-trial disposal letter dated 06.03.2024 and the petitioner shall unconditionally co-operate with the respondents in the said investigation;

b) The petitioner is granted liberty to state his objections in writing with regard to the seizure of the gold bars to the respondents 1 to 5 and the respondents 1 to 5, on receipt of the same from the petitioner, shall also consider the same, on merits and in accordance with law and complete the investigation and return the gold bars or the value of the same to the petitioner, if the petitioner is found to be a genuine passenger, who has legally carried the gold



bars, within a period of three months from the date of receipt of a copy of this order. In the event of the respondents after investigation finds that the petitioner had illegally carried the gold bars, liberty is granted to the respondents to deal with the seized gold bars in accordance with law;

c)The period from 29.05.2024 till the receipt of the copy of this order shall stand excluded for the purpose of calculating limitation for the issuance of show cause notice by the respondents as per the provisions of Section 110(2) of the Customs Act;

d)If in future after completion of investigation by the respondents, the petitioner has any grievance, he shall work out his remedy in the manner known to him under law.

6.With the aforesaid directions, this writ petition is disposed of. Consequently, connected WMPs are closed. No costs.

06-01-2026

vga



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ABDUL QUDDHOSE J.

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