



WEB COPY

W.P. No.35157 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.35157 of 2024

and

W.M.P. No.38068 of 2024

Ragavendiran Kumaraguru
S/o. Shri Kumarguru Ramudu Chettiar,
260/228, G.SBI Colony,
Varanapuram, a 5th Street,
Anna Nagar Bhavani, Erode,
Tamil Nadu, India.

Now residing at 2G,
B-Block, Phase II,
Tranquil acres plaza apartments,
200 Feet Radial Road,
Kovilambakkam,
Chennai-600 117.

..Petitioner

Vs

Additional Commissioner of Customs,
Customs-Airport Commissionerate-Chennai,
Meenambakkam, Chennai 27.

..Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of respondent in Order-in-original No.404/2024-25 Commissionerate-I dated 05.10.2024 and quash the same and consequently direct respondent to return the gold in question.



For Petitioner : Mr.A.N.R.Jayaprathap

For Respondent : Mr.Nalinidhar
Junior Standing Counsel

ORDER

Today, the case is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. It is submitted by the learned counsel for petitioner that the writ petition was disposed of vide order dated 10.03.2026 and seeks correction with regard to address of the petitioner at paragraph 7 and requests that the same may be corrected in the order.

3. The learned counsel for respondents submitted that he has no objection to the above submission of the learned counsel for petitioner.

4. Heard both sides.

5. In view of the said submission made by the learned counsel for petitioner, 4th paragraph of the order in W.P.No.35157 of 2024 dated 10.03.2026, is substituted with the following paragraph:

“7. i) Impugned order dated 05.10.2024 is set aside and the matter is remanded back for passing orders afresh;



ii) Petitioner shall treat impugned order dated 05.10.2024 as a show cause notice and shall submit his objections before the respondent, within a period of two weeks from 15.04.2026;

iii) On receipt of objections, respondent authorities shall pass appropriate orders, in accordance with law, after affording petitioner an opportunity of hearing, within a period of six weeks thereafter;

iv) Hearing notices, if any, shall be sent to address, 2G, B-Block, Phase II, Tranquil acres plaza apartments, 200 Feet Radial Road, Kovilambakkam, Chennai-600 117;

v) It is made clear that this Court has not decided any question of law in relation to mode of service with respect to Section 153 of Customs Act. This order is passed only in view of uncertainty of service. All rights and contentions are left open on merits.”

6. Except the above modification, all other paragraphs made in the earlier order dated 10.03.2026 shall remain intact. Registry is directed to carry out necessary corrections and issue the corrected order copy to the parties forthwith.

15.04.2026

MKA

To:
The Additional Commissioner of Customs,
Customs-Airport Commissionerate - Chennai,
Meenambakkam, Chennai 27.



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MOHAMMED SHAFFIQ, J.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

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and
WMP No.38068 of 2024**

Ragavendiran Kumaraguru
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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of respondent in Order-in-original No.404/2024-25 Commissionerate I dated 05.10.2024 and quash the same and consequently direct respondent to return the gold in question.



For Petitioner : Mr.A.N.R.Jayaprathap

For Respondent : Mr.Nalinidhar
Junior Standing Counsel

ORDER

The present writ petition is filed challenging the impugned order dated 05.10.2024 on the limited ground of failure to serve notice in the manner provided under Section 153 of the Customs Act.

2. It is submitted by learned counsel for petitioner that petitioner is employed in Singapore and arrived at Chennai on 08.05.2024 to visit his family. Petitioner was intercepted by Customs Officers, consequent thereto, there was seizure of gold chain weighing about 199 grams, to which petitioner had explained that said jewels were meant/ intended for his personal use and also vouchers were produced in relation to its purchase. It is not in dispute that petitioner had waived his right for issuance of a show cause notice. During interception, petitioner had furnished copies of Aadhaar Card and Passport, wherein the address was shown as 260/228G, SBI Colony, Varnapuram 5th Street, Anna Nagar Bhavani, Erode, Tamil Nadu.



3. It is submitted by Junior Standing Counsel for respondent that in view of the fact that petitioner has waived off his right for issuance of show cause notice, petitioner was not issued with show cause notice, however three personal hearings were fixed on 04.09.2024, 18.09.2024 and 25.09.2024. It is not in dispute that these personal hearing notices were sent by registered post to address shown in Aadhaar Card and Passport, which was in Erode. It is also not in dispute that this was delivered to watchman.

4. It is the case of petitioner that watchman is a not an authorized representative and therefore, service may not be valid in terms of Section 153 of the Customs Act.

5. To a pointed question to learned Junior Standing Counsel for respondent whether the service by RPAD was in compliance with 153 of the Customs Act, he would submit that while it was not served on petitioner but he would submit that there is an element of uncertainty as to whether it was served on the authorized representative.

6. On a perusal of material and also on the basis of queries posed to learned Junior Standing Counsel for respondent, this Court is not able to find that there has been a valid service in compliance with Section 153 of the Customs Act.



7. In that view of the matter, this Court is inclined to dispose of writ petition with following directions:

i) Impugned order dated 05.10.2024 is set aside and the matter is remanded back for passing orders afresh;

ii) Petitioner shall treat impugned order dated 05.10.2024 as a show cause notice and shall submit his objections before the respondent, within a period of three weeks from the date of receipt of a copy of this order;

iii) On receipt of objections, respondent authorities shall pass appropriate orders, in accordance with law, after affording petitioner an opportunity of hearing, within a period of six weeks thereafter;

iv) Hearing notices, if any, shall be sent to address, 260/228G, SBI Colony, Varnapuram 5th Street, Anna Nagar Bhavani, Erode, Tamil Nadu;

v) It is made clear that this Court has not decided any question of law in relation to mode of service with respect to Section 153 of Customs Act. This order is passed only in view of uncertainty of service. All rights and contentions are left open on merits.



8. Accordingly, this writ petition stands disposed of. There will be no order as to costs. No costs. Consequently, connected miscellaneous petition is closed.

10-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MRN

To
The Additional Commissioner of Customs
Customs-Airport Commissionerate - Chennai,
Meenambakkam, Chennai 27.



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MOHAMMED SHAFFIQ, J.

MRN

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10-03-2026