



WEB COPY

W.P. No.45916 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.45916 of 2025

and

W.M.P. Nos.51205 and 51206 of 2025

Mr.Thammul Ansary,
S/o.Mustafa
Block 3-14301, Jalan 1/2b,
Taman Serimurnselayang,
68100 Batu Caves Selangor, Kuala Lumpur,
Malaysia.

..Petitioner(s)

Vs

The Additional Commissioner of Customs
(Adjudication Air),
Meenambakkam, Chennai 27.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records in relates to the proceedings of the respondent in O.A.No.72/2025-26 COMMISSIONERATE-1 dated 29.07.2025 and quash the same and consequently direct the respondent to release the gold to the petitioner and to pass

For Petitioner(s): Mr.R.Venkatesh

For Respondent(s): Mr.G.Meganathan
Junior Standing Counsel



ORDER

The writ petition is filed challenging the impugned order dated 29.07.2025 on the short ground that personal hearing notices have not been served on the petitioner who is a resident of Malaysia.

2. Since the writ petition is being disposed of on the above short ground, this Court is of the view that there may not be a need for referring to the facts as such except that which is relevant.

3. It may be relevant to note that there was a waiver of show cause notice vide letter dated 30.01.2025, thereafter, apparently personal hearings were fixed on 28.03.2025, 17.04.2025 and 16.07.2025. It is the case of the petitioner that none of these hearings were intimated to the petitioner in terms of Section 153 of the Customs Act. Learned counsel for petitioner would submit that petitioner Mr.Thammul Ansary, is residing at Block 3-14301, Jalan 1/2B, Taman seri Murn Selayang, 68100 Batu Caves Selangor, Kuala Lumpur, Malaysia. However, no notices were sent to the petitioner by any of the modes mentioned under Section 153 of the Act.

4. To a pointed question to show if there is any proof of the petitioner having been served, the learned counsel for respondents would only submit that petitioner having waived show cause notice cannot insist on a personal hearing.



This Court finds that such an argument cannot be accepted.

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5. In that view of the matter, this Court is inclined to set aside the impugned order. To avoid uncertainty this Court directs that petitioner shall appear for personal hearing on 06.05.2026. It is open to the petitioner to either engage a counsel to represent him during personal hearing or attend personal hearing through Video-Conferencing (VC). Respondent shall send the Video-Conferencing (VC) link to the petitioner's email address ma3390692@gmail.com and petitioner's advocate email address rvtlawassociates325@gmail.com. Upon completion of personal hearing, appropriate orders shall be passed by respondent in accordance with law.

6. Accordingly, the impugned order dated 29.07.2025 is set aside. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

24-03-2026

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

To:
The Additional Commissioner of Customs
(Adjudication Air),
Meenambakkam, Chennai 27.



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MOHAMMED SHAFFIQ J.

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