

Abdul Rashid vs Central Board of Indirect Taxes and Customs (Erstwhile Central Board of Excise and Customs)

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Court : Kerala

Decided On : Jan-16-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/1335/2023

Appellant : Abdul Rashid

Respondent : Central Board of Indirect Taxes and Customs (Erstwhile Central Board of Excise and Customs)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 16TH DAY OF JANUARY 2023 / 26TH POUSHA, 1944
PETITIONER: ABDUL RASHID, AGED 32 YEARS,
S/O.ALAVI,NELLIKKUNNU HOUSE, MUTHUVALLUR P.O, NEERAD,
KONDOTTY, MALAPPURAM DISTRICT - 673 638. BY ADVS.
K.MOHAMMED RAFEEQ AMARNATH R LAL VISHNUMAYA ANANDAN
P.M.MATHEW SANALDEV E.P. RESPONDENTS: 1
SUPERINTENDENT OF AIR CUSTOMS, AIR INTELLIGENCE UNIT,

CALICUT INTERNATIONAL AIRPORT, MALAPPURAM DISTRICT - 673 647. 2 UNION OF INDIA, REPRESENTED BY SECRETARY TO GOVERNMENT, MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA, NEW-DELHI - 110 012. ADV. SREELAL N WARRIER (SC) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court being aggrieved by the fact that the passport of the petitioner as well as certain belongings of the petitioner have been seized by the customs authorities when he arrived at Calicut Aiport at about 2.55 A.M on 12.12.2022. The petitioner has filed Ext.P1 application before the Superintendent of Air Customs, Air intelligence Unit, Calicut (1st respondent herein) seeking release of the passport and the baggage seized from the petitioner.

2. The learned Senior Standing Counsel appearing for

the respondent Department would submit that the competent authority shall take a decision on Ext.P1 request without undue delay. Having heard the learned counsel for the petitioner and the learned Senior Standing Counsel appearing for the respondent Department, this writ petition will stand disposed of directing that the 1st respondent or any other competent authority shall consider Ext.P1 request of the petitioner and shall take a decision thereon, within a period of one month from the date of receipt of a certified copy of this judgment. The petitioner shall be provided with an opportunity of personal hearing if the petitioner requests for the same along with a copy of this judgment. Sd/- GOPINATH P. JUDGE DK APPENDIX OF WP(C) 1335/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE APPLICATION DATED 21.12.2022 SUBMITTED BY THE PETITIONER BEFORE THE OFFICE OF THE SECOND RESPONDENT. ExhibitP2 TRUE COPY OF POSTAL RECEIPT DATED 22.12.2022 RECEIVED BY THE PETITIONER.