

Collector of Customs and ors. Vs. Vijayaraj and anr.

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Court : Chennai

Decided On : Feb-21-1991

Reported in : 1993(44)ECC280

Judge : Nainar Sundaram ; and Thanikkachalam, J J.

Appeal No. : Writ Appeal No. 164 of 1991

Appellant : Collector of Customs and ors.

Respondent : Vijayaraj and anr.

Disposition : Appeal dismissed

Judgement :

Nainarsundaram, J.

1. The very counter affidavit of the appellants declared that the container did not contain any contraband or prohibited goods. The only allegation on the part of the appellants is a mis-declaration of the goods and failure to unload the goods as per the import general manifest. In the said circumstances, the learned single Judge rightly held that there is no hurdle in directing re-export of the goods as asked for by the 1st respondent herein/the writ petitioner. With reference to the action that the appellants could take, liberty is given to initiate and complete the same and the 1st respondent herein/the writ petitioner has been directed to give an undertaking

and personal bond to subject themselves to any action that the appellants may initiate and also to bind themselves to the ultimate adjudication, subject to their right to challenge such orders in appeal and in other forums. We do not think that the order of the learned single Judge requires any revision/rectification. Accordingly, this writ appeal is dismissed. No costs.

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