

(1991) 02 MAD CK 0074
In the Madras High Court
Case No : Writ Appeal No. 164 of 1991

Collector of Customs and Others

APPELLANT

Vs

Vijayaraj and Another

RESPONDENT

Date of Decision : 21-02-1991

Acts Referred:

Citation : (1993) 44 ECC 280

Hon'ble Judges : Thanikkachalam, J; Nainar Sundaram, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Nainarsundaram, J.—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.