

(2010) 11 MAD CK 0206

In the Madras High Court

Case No : Writ Petition No. 36716 of 2007

James G. Prakash

APPELLANT

Vs

The Commissioner of Customs (Air)

RESPONDENT

Date of Decision : 18-11-2010

Acts Referred:

Citation : (2011) 264 ELT 23

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

Advocate : R. Sunil Kumar, for the Appellant; No Appearance, for the Respondent

Judgement

R. Sudhakar, J.—Writ Petition is filed praying to issue a Writ of Mandamus, directing the Respondent to complete the adjudication pursuant to the show cause notice issued by the Respondent in F.N.O.S.N.7 and 8 of 2005 A.C.I.U. dated 04.03.2006 within such time as directed by this Court.

2. Notice of motion was ordered on 11.12.2007. Private notice was also permitted. The Respondent has been served and appeared through counsel Mrs. Bhuvaneswari.

3. The counsel for the Petitioner is not aware of the present status of the case. No counter has been filed so far by the Respondent, even after more than 2 years and 11 months, which shows the casual nature, the court proceedings are treated by the office of the Commissioner of Customs. The apprehension of this Court is that without any interim order, the adjudication proceeding may be held up citing pendency of this case. Today there is no appearance on behalf of the Department of Customs. The counsel for the Respondent has no inclination even to address the Court in person. This is not the first instance when the Department is unrepresented.

4. It has come to the notice of this Court that in several cases relating to Customs and Central Excise, the former counsel states that they have handed over the papers and consequently, the Department is unrepresented. In the

event a new counsel takes charge of the case papers, he is handicapped for want of instructions. In one case the counsel for Department stated that no officer is responding to their call. The Central Board of Customs and Excise should take note of the situation and issue suitable direction to the respective Chief Commissioners to ensure proper representation in Court proceedings.

5. Considering the nature of relief sought for in this writ petition, if the adjudication process has not been completed so far, the Respondent is directed to complete the adjudication process within four weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of as above. No costs.