

(2022) 01 PAT CK 0038

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 11633 Of 2021

M/S R.S.M. Supply And Contractor Firm

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 05-01-2022

Acts Referred:

Citation : (2022) 01 PAT CK 0038

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Amit Pandey, Dr. K.N. Singh, Anshuman Singh

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioners have prayed for the following relief/s :-

i) To issue a writ in the nature of mandamus commanding the authorities to release 22,050.00 Kgs of Betel Nuts (Arecanuts) as evaluated at Rs

34,27,200/= (@Rs 160/kg) and a truck bearing Registration No. DL1GC-5327 as evaluated at Rs 11,00,000/- which was seized vide Seizure Memo

dated 29.11.2019 unconditionally; And/or

ii) To direct the Respondent Authority to upkeep the condition and safety of goods so as to prevent deterioration in it's value as the seized goods is a

perishable goods; And/or

iii) To issue a writ in the nature of Certiorari for quashing the Seizure Order/ Seizure Memo dated 29.11.2019 whereby and where under 22,050.00

Kgs of Betel Nuts (Arecanuts) as evaluated at Rs 34,27,200/- and a truck bearing Registration No. DL1GC-5327 as evaluated at Rs 11,00,000/- and

all consequential proceedings in pursuance of same; And/or

iv) As Ad-Interim relief to issue directions/orders/writs of appropriate nature commanding the Authorities to grant provisional release of 22,050kgs of

Betel Nuts (Arecanuts) as evaluated at Rs 34,27,200/- under Section 110A of the Customs Act, 1962 pending this Writ Petition;

v) To grant any other relief or reliefs to which the petitioners are entitled in the facts and circumstances of the case.

It is the grievance of the petitioners that the petitioners' application for interim release of the seized goods has yet not been decided.

The petition, as prayed for by Shri Amit Pandey, learned counsel for the petitioners, can be disposed of with a direction to the appropriate authority to

consider and decide the said application for interim release of seized goods in accordance with law.

Learned Additional Solicitor General states that the petitioners' application for interim release of seized goods shall be positively considered and

decided expeditiously and preferably within a period of four weeks from the date of presentation of a copy of this order before the authority

concerned.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners will make himself/themselves available in the office of concerned respondent on 17th of January, 2022 along with a copy of this order;

(b) The said respondent shall consider and dispose of the petitioners' application expeditiously by a reasoned and speaking order preferably within

a period of four weeks from the date of appearance of the petitioners before him along with a copy of this order;

(c) Needless to add, while considering such application, principles of natural justice shall be followed and due opportunity of hearing afforded to the

parties;

(d) Also, the reasoned and speaking order passed by the appropriate authority shall be supplied to the parties;

(e) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the

same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioners to challenge the order before the appropriate forum, should the need so rise subsequently;

(h) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.