
(2016) 06 MAD CK 0098

In the Madras High Court

Case No : Writ Petition No. 13777 of 2013 and M.P. No. 1 of 2013

S. Jamal

APPELLANT

Vs

Central Government of India

RESPONDENT

Date of Decision : 27-06-2016

Acts Referred:

Citation : (2016) 338 ELT 191

Hon'ble Judges : Sanjay Kishan Kaul, CJ. and R. Mahadevan, J.

Bench : Division Bench

Advocate : S/Shri S.R. Raghunathan for G. Velu, Advocate, for the Petitioner; S/ Shri K. Mohanamurali and K. Raju, Advocates, for the Respondent

Final Decision : Dismissed

Judgement

Sanjay Kishan Kaul, CJ.—The learned counsel appearing for Respondent Nos. 1, 3 and 4 also seeks to enter appearance for the newly impleaded Respondent Nos. 6 and 7.

2. The petitioner, who has filed the present public interest litigation has antecedents of having been booked and detained under Conservation of Foreign Exchange and Prevention of Smuggling Activities (COFEPOSA) vide detention order dated 8-11-2000 and imposition of penalties by the department have been upheld by the Appellate Tribunal. The petitioner's earlier endeavour to claim CBI enquiry has also been repelled in CrI. O.P. No. 1525 of 2006, decided on 11-1-2008 relating to some other goods. In this proceedings, it is noted that not only the petitioner, but even his son, has been involved in smuggling activities.

3. The nature of the allegation made in the present case is of unauthorised import of chemicals of raw materials used for manufacturing drugs of 170 consignments.

4. It does appear that the petitioner utilised different proceedings to carry out the campaign against the authorities and officers to facilitate his own business of smuggling and this public interest litigation at the behest of such a person should

never be entertained.

5. We are conscious of the fact, our attention having being brought to the learned counsel for the petitioner, to the averments in the counter-affidavit of the respondent in Paragraph 10, which seek to suggest that the allegation made by the petitioner in respect of the consignments may have "truth". In that behalf, investigation has been carried out and prima facie forgery of Customs documents has been found. Naturally, proper action in that behalf would be required.

6. We are not inclined to entertain this public interest litigation filed by the petitioner, though we expect that the authorities would complete their task qua the consignments in question. We are also of the view that considering the antecedents of the petitioner and his endeavour to rake up an earlier issue to pressurise the concerned authorities to prevent action against him in future, no public interest litigation or any litigation affecting the larger interest other than the personal interest is to be entertained by this Court.

7. The writ petition is dismissed with the aforesaid observation. Consequently, M.P. No. 1 of 2013 is closed.