

HIGH COURT FOR THE STATE OF TELANGANA
 AT HYDERABAD
 (Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
 TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
 AND
 THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 16004 OF 2023

Between:

Abdul Basith Vattakkandathil, Age 32 Years, R/o. Parookakkil House, Parappanpoyil PO, Thamarassery, Kozhikode, Kerala-673573 Kerala State. (Rep. by his General Power of Attorney Sanjay Sankar. M S/o. Mohan Das N, Age 32 Years R/o Calicut-673019)

...PETITIONER

AND

1. Union of India, Through Joint Secretary, Department of Revenue, Ministry of Finance, At North Block, New Delhi - 110001.
2. The Central Board of Indirect Taxes and Customs, At North Block, New Delhi - 110001.
3. The Principal Commissioner of Customs Hyderabad Customs Commissionerate, LB Stadium Road, Basheerbagh, Hyderabad-500001.
4. The Joint Commissioner of Customs, Hyderabad Customs Commissionerate, LB Stadium Road, Basheerbagh, Hyderabad-500001.
5. The Deputy/Assistant Commissioner of Customs, Inland Container Depot, 11-60/5-7, Thimmapur, Rangareddy District, Telangana State-509325.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, holding the refusal of the Respondent department to release of the goods of the Petitioner, despite the order of the Commissioner (Appeals) dated. 28.04.2023 directing such release continuing to be in operation, as illegal, arbitrary and violative of Articles 19(1) (g), 20 and 21 of the Constitution of India.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass orders directing the Respondent No.5 to release the goods of the Petitioner,

Counsel for the Petitioner: SRI SRINIVAS CHATURVEDULA

**Counsel for the Respondent No.1: SRI GADI PRAVEEN KUMAR, Dy.
SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent Nos.2 TO 5: M/s. SWAPNA REDDY

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE A. LAXMI NARAYANA
WRIT PETITION Nos. 16004 of 2023

ORDER: (*per Hon'ble Sri Justice P.SAM KOSHY*)

1. The present Writ Petition has been filed seeking for an appropriate direction to the respondents, who are refusing to release the goods of the petitioner, despite the order of the Commissioner(Appeals), dt.28.04.2023, directing such release.

2. Learned counsel for the petitioner submits that the issue involved in this Writ Petition squarely stands covered by a decision rendered by the Division Bench of this Court in WP.No.46508 of 2022, decided on 08.02.2023. It has also been informed by the learned counsel for the petitioner that the said order though has been challenged by the respondents before the Hon'ble Supreme Court, there is no interim order till date.

3. However, learned counsel for the petitioner submits that in spite of the fact that the order has been assailed before the Hon'ble Supreme Court by the Department, it had complied with the order and the goods ceased have already been released to the petitioner therein and as such, the whole issue has got infructuous.

4. Learned counsel appearing for the respondents also, after perusing the pleadings in the Writ Petition and going through the decision rendered by the Division Bench in WP.No.46508 of 2022, decided on 08.02.2023,

submits that the issue in the present Writ Petition stands squarely covered by the said decision.

5. In view of the same, we are of the considered opinion that the present Writ Petition also deserves to be allowed in similar terms.

6. Accordingly, the Writ Petition stands allowed in terms of the order passed in WP.No./16508 of 2022, dt.08.02.2023 with a direction to the respondents to immediately take steps ensuring releasing of the goods to the petitioner, subject to the petitioner paying redemption fee. No order as to costs.

7. Consequently, miscellaneous petitions pending, if any shall stand closed.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To

1. The Joint Secretary, Union of India, Department of Revenue, Ministry of Finance, At North Block, New Delhi - 110001.
2. The Central Board of Indirect Taxes and Customs, At North Block, New Delhi - 110001.
3. The Principal Commissioner of Customs Hyderabad Customs Commissionerate, LB Stadium Road, Basheerbagh, Hyderabad-500001.
4. The Joint Commissioner of Customs, Hyderabad Customs Commissionerate, LB Stadium Road, Basheerbagh, Hyderabad-500001.
5. The Deputy/Assistant Commissioner of Customs, Inland Container Depot, 11-60/5-7, Thimmapur, Rangareddy District, Telangana State-509325.
6. One CC to SRI SRINIVAS CHATURVEDULA, Advocate [OPUC]
7. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GENERAL OF INDIA [OPUC]
8. One CC to M/s. SWAPNA REDDY, Advocate [OPUC]
9. Two CD Copies

PSK.
GJP



HIGH COURT

DATED:31/07/2023

ORDER

WP.No.16004 of 2023



ALLOWING THE WRIT PETITION
WITHOUT COSTS.

10/07/2023
26/9/63