

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

**THE HONOURABLE SRI JUSTICE SUJOY PAUL
AND**

**THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO
WRIT PETITION NO: 30627 OF 2024**

Between:

RAJARAPU NAGESH, S/o. Rajarapu Rajanna, Aged about 38 Years, Occ.
Business, R/o. 2-30/1, Metlachittapur, Metpally, Jagityal, Telangana-505325.

Petitioner

AND

1. THE PRINCIPAL COMMISSIONER OF CUSTOMS APPEALS, O/o. The Principal Commissioner of Customs, GST Bhavan, L B Stadium Road, Basheerbagh, Hyderabad - 500 004.
2. THE AIR CUSTOMS SUPERINTENDENT (AIU - A), O/o. The Deputy Commissioner of Customs, Rajiv Gandhi International Airport, Shamshabad, Hyderabad - 500 409.
3. The Assistant Commissioner of Customs(Disposal), O/o. The Principal Commissioner of Customs, GST Bhavan, L B Stadium Road, Basheerbagh, Hyderabad - 500 004.

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 declaring action of the respondents in seizing the gold weighing 240.100 grams and issuing intimation bearing No. SG/DISP/209/2024-Cus-Disp dated 18/10/2024 as illegal arbitrary and unconstitutional and direct the respondents to provisionally release the goods on the payment of applicable duty under Section 110 A of the Customs Act 1962 or on any conditions as directed by this Honourable court;

IA NO: 1 OF 2024

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 DIRECT the respondents herein to set aside the confiscation notice Dated 18/10/2024 vide intimation bearing No. SG/DISP/209/2024-Cus-Disp, Pending disposal of WP 30627 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI M KRISHNA

CHAITANYA Advocate for the Petitioner, SRI DOMINIC FERNANDES (senior standing counsel for CBIC) Advocate for the Respondents and the Court made the following.

ORDER:

Parties through their counsel.

Sri Dominic Fernandes, learned Senior Standing Counsel for CBIC, is directed to take notice and if necessary file counter within three weeks.

List this matter with W.P.No.21498 of 2024, which involves similar question.

Since an interim protection was granted in similar matter, maintaining parity, it is directed that the gold seized from the petitioner(s) shall not be disposed of, if not already disposed of till date.

**SD/-A.SRINIVASA REDDY
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Commissioner Of Customs Appeals, O/o. The Principal Commissioner of Customs, GST Bhavan, L B Stadium Road, Basheerbagh, Hyderabad - 500 004.
2. The Deputy Commissioner of Customs, THE AIR CUSTOMS SUPERINTENDENT (AIU - A), O/o. Rajiv Gandhi International Airport, Shamshabad, Hyderabad - 500 409.
3. The Assistant Commissioner of Customs(Disposal), O/o. The Principal Commissioner of Customs, GST Bhavan, L B Stadium Road, Basheerbagh, Hyderabad - 500 004.
(Addresses 1 to 3 by RPAD)
4. One CC to SRI M KRISHNA CHAITANYA, Advocate [OPUC]
5. Two spare copies

HIGH COURT

**SP, J
&
RRN, J**

DATED:06/11/2024

**NOTE: LIST THIS MATTER
WITH W.P.NO.21498 OF 2024**

ORDER

WP.No.30627 of 2024

INTERIM DIRECTION

