

SLP(C)No. 12265 OF 2001
ITEM No.13

Court No. 3

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.12265/2001
(From the judgement and order dated 25/04/2001 in WP 2790/2000
of The HIGH COURT OF BOMBAY)

DR.SHASHANK BHALCHANDRA SUBHEDAR & ANR.

Petitioner (s)

VERSUS

COMMNR. OF CUSTOMS & ORS.

Respondent (s)

(With prayer for interim relief)

With
SLP(C)No.12487/2001

Date : 06/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. V.A. Bobde, Sr. Adv.
Mr. K.H. Deshpande, Sr. Adv.
Mr. A.P. Mayee, Mr. Ravi Deshpande,
Mr. S.V. Purohit, Mrs. Rucha Mayee, Adv.s.for
Mr. S.V. Tambwekar, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

We see no reason to interfere with the order of the High Court which dismissed the writ petition filed challenging the show cause notice that was issued. The High Court should not have entertained the writ petition under Article 226 of the Constitution of India against the show cause notice issued under the Customs Act. The more appropriate remedy for the person aggrieved is to file a reply to the show cause and take recourse to the proceedings available under the Act. The observations of the High Court will not stand in the way of the petitioners.

The Special Leave Petitions stand dismissed accordingly.

.SP1

(J.S. Rawat)
Court Master

(S.L. Goyal)
Court Master