



**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**WEDNESDAY, THE 4<sup>TH</sup> DAY OF OCTOBER 2023 / 12<sup>TH</sup> ASWINA, 1945**

**WP(C) NO. 19196 OF 2023**

**PETITIONER:**

CHOLAKKAL SHAFEEQ,  
AGED 32 YEARS, S/O MUHAMMED CHOLAKKAL,  
CHOLAKKAL HOUSE, POONATHANAM P.O, MALAPPURAM DISTRICT,  
PIN - 679 325.

BY ADV  
SOJAN MICHEAL

**RESPONDENT:**

DEPUTY COMMISSIONER OF CUSTOMS,  
AIR INTELLIGENCE UNIT, AIR CUSTOMS,  
CALICUT INTERNATIONAL AIRPORT, KARIPUR,  
MALAPPURAM DISTRICT, PIN - 673 647.

BY ADV  
MANU S.-DEPUTY SOLICITOR GENERAL OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
04.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



**DINESH KUMAR SINGH, J.**

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**WP(C) NO.19196 OF 2023**  
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**Dated this the 4<sup>th</sup> day of October, 2023**

**J U D G M E N T**

1. The writ petition has been filed for a direction to the respondent to conclude the proceedings of seizure of gold of the petitioner within a time frame.

2. The petitioner is an Indian citizen and arrived on 12.02.2023 from Jeddah by Indian Express Flight No.IX398. The petitioner had left the Airport without collecting his baggage. The petitioner was under surveillance of the Custom authorities. On the very next day, i.e., 13.02.2023, when the petitioner came to the Airport to collect the checked in baggage, the petitioner was intercepted by the officers and in the detailed



examination, 9 number of gold plates totally weighing 1499 grams for a market value of Rs.85,74,280/- were recovered. Mahazar was prepared on 20.02.2023, on the reasonable belief that the gold was attempted to be smuggled to India in violation to the provisions of Customs Act and Rules, 1962 made thereunder. A statement under Section 108 of the Customs Act and Rules, 1962 was recorded.

3. The petitioner has been issued a show cause notice No. SL 92/2023 JC/ AP/CLT dated 09.08.2023. Considering the fact that the petitioner has been issued show cause notice under Section 110 of the Customs Act, 1962 the learned counsel for the petitioner has confined his prayer that the adjudication of the show cause notice be completed expeditiously.

4. Considering the above said submission,



the writ petition is disposed of with a direction to the authority who had issued the show cause notice to conclude the adjudication of the show cause notice expeditiously, preferably within a period of two months subject to the co-operation of the petitioner.

5. With the aforesaid direction, the present writ petition is disposed of.

**Sd/-**

**DINESH KUMAR SINGH  
JUDGE**

rpr



**APPENDIX OF WP(C) 19196/2023**

PETITIONER'S EXHIBITS

- Exhibit P1 COPY OF THE SUMMONS DATED 13.02.2023 ISSUED BY THE SUPERINTENDENT OF CUSTOMS.
- Exhibit P2 TRUE COPY OF THE REPLY DATED 16.02.2023.

RESPONDENT'S ANNEXURES

- Annexure R1 (a) True copy of summons No.85/2023 dated 13.02.2023.
- Annexure R1( b) True copy of arrest memo dated 20.02.2023 issued by Superintendent of Customs, Air Intelligence Unit, Calicut International Airport.
- Annexure R1 (c) True copy of seizure memo dated 20.02.2023 issued by Superintendent of Customs, Air Intelligence Unit, Calicut International Airport.
- Annexure R1( d) True copy of mahazar dated 20.02.2023.
- Annexure R1 (e) True copy of mahazar dated 13.02.2023.