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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 31st July, 2025

+ **W.P.(C) 11322/2025**

JAKIR HUSAIN @ JAKIR HUSSAIN

.....Petitioner

Through: Mr. Javed Khan, Mr. Mobin Akhtar &
Mr. Mohammed Ather Ansari, Advs.
along with the Petitioner in person.

versus

THE COMMISSIONER OF CUSTOMS & ORS.Respondents

Through: Mr. Aditya Singla, SSC CBIC with Ms.
Arya Suresh Nair, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Mr. Jakir Husain @ Jakir Hussain under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking release of the two gold bars, collectively weighing 233 grams, of the Petitioner seized by the Customs Department *vide* detention receipt bearing no. 3376 dated 24th December, 2023.
3. The case of the Petitioner is that he arrived at the Indira Gandhi International Airport, New Delhi (hereinafter, '*IGI Airport*') on 24th December, 2023 from Saudi Arabia. Upon arrival at the IGI Airport, the Petitioner was intercepted by the concerned officials of the Customs Department and two gold bars of the Petitioner were detained.



4. On 27th May, 2024, an application is stated to be made by the Petitioner before the Customs Department for release of the said gold bars. On the said date the appraisalment is also stated to have been done. The case of the Petitioner is that no Show Cause Notice (hereinafter, 'SCN') has been issued to the Petitioner till date and the gold bars are liable to be released.

5. On 17th July, 2025, the Petitioner is stated to have filed a reminder application seeking release of the said gold bars. In the said application, the authority is given to Mr. Aman Kumar Yadav, Advocate on behalf of the Petitioner. However, the same is alleged to have been withdrawn.

6. Mr. Aditya Singla, Id. SSC appearing on advance notice submits that the present petition is liable to be dismissed as it conceals all the material facts. Id. SSC submits that the Petitioner's Advocate, Mr. Aman Kumar Yadav, who was duly authorized by the Petitioner had appeared before the Customs Department on 24th July, 2025. Id. SSC further submits that on the said date the gold bars have been released to the Authorized Representative of the Petitioner *i.e.*, Mr. Aman Kumar Yadav subject to payment of approximately Rs.7,00,000/-.

7. Today, Mr. Aman Kumar Yadav, Advocate is present in the Court and submits that he has been continuously in touch with the Petitioner's relatives and has also helped the Petitioner in obtaining the documents from the Bureau of Immigration in respect of his emergency certificate. Mr. Aman Kumar Yadav further submits that the gold bars are presently lying with him and upon the Petitioner clearing his dues, he would be willing to give the same to the Petitioner.

8. The Petitioner is present in person and has been asked if he identifies Mr. Aman Kumar Yadav. The Petitioner has confirmed that Mr. Aman Kumar



Yadav was his lawyer and he had duly authorized him. Now, the Petitioner does not want to continue with Mr. Aman Kumar Yadav as his lawyer.

9. Clearly, this appears to be a dispute between the Petitioner and his lawyer. The Petitioner was obviously aware of the fact that the release had taken place but the said fact has not been pleaded in the present petition. However, it is also unusual that a lawyer would spend so much of money on behalf of the client and get the goods released on his own.

10. In view thereof, the matter is a private dispute between the Petitioner and his own lawyers which would have to be resolved out of Court. Accordingly, the present writ would not be maintainable.

11. Considering the fact that the dispute is between the Petitioner and his two lawyers, it is deemed appropriate to refer the matter to mediation.

12. Accordingly, Mr. Rajesh Jain, Advocate, who is present in the Court, is appointed as the mediator in the present case. The fee of the mediator is fixed at Rs. 1,00,000/- which is to be borne equally by the Petitioner and Mr. Aman Kumar Yadav. If the mediation does not fructify, parties are left to avail their remedies, as per law.

13. The present petition is dismissed in the above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**SHAIL JAIN
JUDGE**

JULY 31, 2025/kp/ck