

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.28896/2014

M/s.Meticulous Forwarders
rep.by its Sole Proprietor
G.V.Raaj Mohan

.. Petitioner

Versus

1.The Commissioner of Customs
Office of the Commissioner of Customs,
Customs House, 33, Rajaji Salai
5th Floor, Chennai-1.

2.The Deputy Commissioner of Customs
Customs House, 33 Rajaji Salai
1st Floor, Chennai-1.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to renew the licence, R-582/CHA-Volume-II, for the period from 2014 to 2024 in respect of the petitioner's business, i.e., customs house agent, and as per petitioner's application dated 20.08.2014 followed by a reminder dated 07.10.2014.

For Petitioner : Mr.A.Murugan

For R1&R2 : Mr.K.Mohanamurali

ORDER

Heard Mr.A.Murugan, learned counsel appearing for the petitioner ; Mr. K.Mohanamurali, learned counsel appearing for the respondents and perused the materials available on record.

2.The petitioner has filed the above writ petitions seeking for issuance of a writ of mandamus to direct the 1st respondent to renew the licence, R-582/CHA-Volume-II, for the period from 2014 to 2024 in respect of the petitioner's business, i.e., customs house agent, and as per petitioner's application dated 20.08.2014 followed by a reminder dated 07.10.2014.

3.The petitioner was a Customs House Agent registered with the respondent Department. Initially, the petitioner was a Partnership Firm consisting of 2 persons, viz., Mr.G.V.Raaj Mohan and Mr.M.G.Maran. One of the partners, Mr.M.G.Maran, died and therefore, the surviving partner, Mr.G.V.Raaj Mohan, applied for re-constitution. It is seen that the respondent Department by proceedings dated 10.08.2009, approved the re-constitution of the Partnership by deleting the name of the deceased partner and changed the constitution of the Customs House Agent into a Proprietary concern. Now, the petitioner filed an application for renewal and also remitted the renewal fees. According to the petitioner, all the required documents called for by the respondents have been furnished and till date no orders have been passed by the respondents, though renewal fees was received by the respondents on 02.09.2014.

4.In the light of the above, without going into the merits of the petitioner's claim, there will be a direction to the 2nd respondent to consider the petitioner's application by taking note of all the facts and after affording of personal hearing to the petitioner and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

AP

To

1.The Commissioner of Customs
Office of the Commissioner of Customs,
Customs House, 33, Rajaji Salai
5th Floor, Chennai-1.

2.The Deputy Commissioner of Customs
Customs House, 33 Rajaji Salai
1st Floor, Chennai-1.

WP.No.28896/2014

LRS(CO)
KP(24.02.2015)