

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.36538 of 2016
and
W.M.P.No.31437 of 2016

Sri Swami Ayyappa Enterprises,
A.B.Chandrasekar (Prop), A-38 Yrs,
Son of A.P.Balan,
Old No.239, New No.36, A.M.Tower,
Angappa Naicken Street,
Mannady, Chennai - 600 001. ...Petitioner

/vs/

1.The Commissioner of Customs-IV,
Group - 7H, Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

2.The Joint/Additional Commissioner
of Customs, Group - 7H,
Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus, to direct the respondents herein to release the goods 999 packages containing salon furniture, Hand Bags, Shoes, Luggage Bags Packages of Furnitures viz., 8 packages of Sofa 3 Seater, 72 packages of imported vide Bill of entry No.DE/CC/TYP.6463093 dated 23.08.2016, which was finally assessed by the proper officer under the Customs Act and total Duty of Rs.4,60,076/-.

For Petitioner : Mr.G.Punniakoti

For Respondents : Mr.G.M.Syed Nurullah Sheriff
Senior Panel Counsel

O R D E R

Heard Mr.G.Punniakoti, learned counsel appearing for the petitioner and Mr.Syed Nurullah Sheriff learned Senior Panel Counsel appearing for the respondents.

2.The petitioner had imported 999 packages of salon furniture, Hand bags, shoes, luggage bags packed in a container from China and the petitioner had also filed the Bill of Entry dated 23.08.2016 for clearance of the goods. But the respondents have enhanced the total value declared by the petitioner and the petitioner had also accepted the same and agreed to pay the enhanced duty due to urgency in clearing the goods. When the petitioner requested to release the goods, the CFS Authorities had informed that the goods shall not be released till the goods are inspected by the Senior Intelligence Officer, Directorate of Revenue Intelligence, Chennai-17. Thereafter, the petitioner requested for release of the goods. But the respondents failed to pass orders for release of the goods. Therefore, the petitioner is before this Court.

3.The learned Senior Panel Counsel appearing for the respondents produced a written note given by the respondents stating that Mr.A.B.Chandrasekar, Proprietor of the petitioner enterprises has given a voluntary statement on 03.10.2016 before the DRI, CZU disowning the entire import made in the name of Sri Swami Ayyappa Enterprises.

4.In the light of the above situation, this Court was inclined to dismiss the writ petition. However, the learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition and he has also made an endorsement to that effect. Accordingly, this writ petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

cse

Sd/-

Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar
सत्यमेव जयते

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To

1.The Commissioner of Customs-IV,
Group - 7H, Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

2.The Joint/Additional Commissioner
of Customs, Group - 7H,
Customs House,
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+1CC to MR.G.M.Syed Nurullah Sheriff Senior Panel Counsel
SR.NO.66001

W.P.No.36538 of 2016
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NMI [CO]
MK:03/01/2017



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