



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.14787 of 2016

N.Ponnappan

:Petitioner

Vs.

1. The Assistant Commissioner(I.G.,)
Customs Department,
Office of the Commissioner of Customs,
Customs House,
New Harbour Estate,
Tuticorin - 628 004.
2. Cosco India Shipping Pvt Ltd.,
Tuticorin Branch Office,
Opp., to Rajaji Park,
Palai Road,
Tuticorin -2.
3. The Officer In-charge,
Continental Ware Housing Corporation,
(Nhava Seva) Limited,
Custom Freight Station,
Madurai Bye Pass road,
Melaavittanm
Tuticorin.
4. S.Johnson,
M/s.Glory Cashews,
Anaiyadi Post,
Sooranadu,
Kerala.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order No.031/2016, dated 13.07.2016 passed by the first respondent, quash the same and consequently direct the first respondent to hear and pass appropriate order based on the petitioner's memo, dated 08.07.2016.



O R D E R

The petitioner Mr.N.Ponnappan has come to this Court challenging the impugned order, dated 13.07.2016 invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India on the ground that no notice was issued to him before passing the impugned order and the same has been passed violating the principles of natural justice.

2. The learned counsel for the first respondent refuting the above submissions would contend that the impugned order has not been passed against the petitioner.

3. Supporting the said case, the learned counsel for the fourth respondent would submit that the impugned order is passed only against the second respondent. Therefore, if at all the second respondent is aggrieved, Writ Petition should be filed only by the second respondent, but not by the petitioner.

4. In view of the above, this Court is not inclined to entertain this Writ Petition for the simple reason that the impugned order clearly mentioned that the affected person can seek remedy by filing appeal before the appellate authority.

5. Hence, this Writ Petition is dismissed. However, it is open to the petitioner to approach the appellate authority, if so advised. No Costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The Assistant Commissioner(I.G.,)
Customs Department,
Office of the Commissioner of Customs,
Customs House, New Harbour Estate,
Tuticorin - 628 004.

+1cc to M/s.S.Muthalraj, Advocate SR.No.44282
+1cc to M/S.S.Gurumoorthy, Advocate SR.No.44359
+1cc to M/S.D.Sivaraman, Advocate SR.No.43945

W.P.(MD)No.14787 of 201611.08.2016