

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.7.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.18131 OF 2017

AND

W.M.P.NO.19673 OF 2017

P.S.Ponraj

... Petitioner

Vs

1. The Additional Director, "D"Block,
7th Floor, I.P.Bhavan, I.P.Estate,
New Delhi.
2. The Chief Commissioner (Customs),
Delhi Zone, O/o the Chief Commissioner
of Customs, New Customs House,
Near IGI Airport, New Delhi-110037.
3. M/s.Vantage Lifestyle Private Limited,
Rep. by its Authorised Signatory,
having its office at 001, Bawa Na Dehla,
Outside Prem Darwaja, Ahmedabad-2.

... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct respondents 1 and 2 to consider the representation submitted by the petitioner dated 18.3.2017 and initiate appropriate action against the 3rd respondent.

For Petitioner : Mr.Thilageswaran
for M/s.Waraon and Sai Rams

For Respondents 1 & 2 : Mr.G.M.Syed Nurullah Sheriff, SPC

ORDER

Mr.G.M.Syed Nurullah Sheriff, learned Senior Panel Counsel accepts notice for respondents 1 and 2. Heard both.

2. The petitioner's grievance is that the third respondent is importing identical products through Mumbai Port and under-invoicing the products thereby resulting in an unhealthy competition between the petitioner and the third respondent. Therefore, the petitioner seeks action on his representation

given to respondents 1 and 2.

3. Admittedly, all the three respondents are outside the jurisdiction of this Court. Furthermore, the import is not through the Chennai Port, but through the Mumbai Port. Merely because the petitioner imports some products through the Chennai Port, it will not give cause of action to the petitioner to move this Court, as no part of the cause of action, which has resulted in filing this writ petition, has arisen within the jurisdiction of this Court. This Court holds that it has no jurisdiction to consider the request made by the petitioner and hence, the writ petition is held to be not maintainable. However, this will not prevent the petitioner from approaching the appropriate Authority for taking necessary action.

4. The writ petition is dismissed with the above observation. No costs. Consequently, the above WMP is also dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

RS

To

1. The Additional Director,
"D"Block, 7th Floor,
I.P.Bhavan, I.P.Estate,
New Delhi.

2. The Chief Commissioner (Customs),
Delhi Zone, Office of the Chief
Commissioner of Customs,
New Customs House, Near IGI Airport,
New Delhi - 110 037.

+1cc to Mr.G.M.Syed Nurullah Sheriff, Advocate, S.R.No.50037
+1cc to M/s.Waraon and Sai Rams, Advocate, S.R.No.50044

W.P.No.18131 of 2017 &
W.M.P.No.19673 of 2017

VGII(CO)
CS/02/08/17