

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2017

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition Nos.27639 and 27640 of 2004

Mr. Hemang Patel,
Proprietor for M/s. Charmi Enterprises.

...Petitioner in both W.Ps.

Vs.

1. The Union of India,
through the Joint Secretary,
Ministry of Law, Justice and Company Affairs,
Shastri Bhavan, Chennai.
2. The Deputy Commissioner of Customs (CIU)
Customs House,
New Harbour Estate, Tuticorin.
3. The Superintendent of Customs CIU,
Customs House,
New Harbour Estate, Tuticorin.

...Respondents in both W.Ps.

Prayer in W.P.No.27639 of 2004

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, the respondents to allow the petitioner to substitute the said DFRC Licence bearing No.0310185253, dated

25.02.2003, with the aforesaid fresh DFRC No.0310276859/5/18/00, dated 24.06.2004, for similar such DFRC when produced, assess the Bill of Entry dated 24.06.2004, for clearance of the said goods covered by the Bill of Entry and consequently, allow the petitioner to re-export the said goods sought to be cleared under the said Bill of Entry, dated 24.06.2004.

Prayer in W.P.No.27640 of 2004

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, prohibiting the respondents or their servants or any other persons from taking any action directly or indirectly against the petitioner and in respect of the said goods covered by the said Bill of Entry 1534, dated 24.06.2004, under the provisions of the Customs Act, 1962.

For Petitioner : Mr.P.R.Raman

For Respondents : Mr.A.P.Srinivas
Senior Standing Counsel

COMMON ORDER

At the time, when the Writ Petitions were entertained, the petitioner sought for interim injunction as also a direction, by way of filing Miscellaneous Petitions, in W.P.M.P.Nos.33640 and 33641 of 2004, and both the Miscellaneous Petitions were dismissed, by order, dated 11.03.2009.

2. Thus, by efflux of time, the question of considering the prayer sought for in these Writ Petitions, viz., i) for allowing re-export of the goods and ii) prohibiting the respondents from initiating any action against the petitioner does not arise. Accordingly, the Writ Petitions are closed. No costs.

13.07.2017

sd

To

1. The Union of India,
through the Joint Secretary,
Ministry of Law, Justice and Company Affairs,
Shastri Bhavan, Chennai.
2. The Deputy Commissioner of Customs (CIU)
Customs House,
New Harbour Estate, Tuticorin.
3. The Superintendent of Customs CIU,
Customs House,
New Harbour Estate, Tuticorin.

WEB COPY

T.S.Sivagnanam, J.

sd



Writ Petition Nos.27639 and 27640 of 2004

WEB COPY

13.07.2017