



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No.22281 of 2017
and
W.M.P. (MD) No.18585 of 2017

M/s.Green Port Shipping Agencies,
Represented by it Partner Mrs.S.Avudaiammal,
No.26 E/7A, Kamaraj Nagar,
Tuticorin-628008. ... Petitioner

Vs.

The Commissioner of Customs,
Custom House,
New Harbour Estate,
Tuticorin-628 004. ...Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records on the file of the respondent in Order No.19/2017 dated 28.09.2017, quash the same.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondent : Mr.R.Aravindan

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the respondent in Order No.19/2017 dated 28.09.2017, quash the same.

2.Heard Mr.R.Vinoth Bharathi, learned counsel appearing for the petitioner and Mr.R.Aravindan, learned counsel appearing for the respondent.

3.It has been indicated in the impugned order that any person deeming himself aggrieved by that order may appeal against the same to the Customs, Excise and Service Tax Appellate Tribunal at Chennai, which has been provided under Section 129 of the Customs Act, 1962. There is no explanation, much less satisfactorily, from the petitioner in his affidavit filed in support of the Writ Petition as well as by his counsel during the arguments when the Writ Petition has been taken for admission as to why the same has not been resorted.



4. Though several contentions have been raised by the learned counsel for the petitioner for questioning the correctness of the impugned order in this Writ Petition, this Court is of the view that alternative remedy of statutory appeal under Section 129 of the Customs Act, 1962 would suffice for the petitioner to seek effectual adjudication of the same. In the event of any adverse order, the petitioner is obviously at liberty to pursue further remedies as provided under law. Hence, there is no justification to entertain this Writ Petition exercising the discretionary jurisdiction of this Court under Article 226 of the Constitution of India. This view is fortified by the decision of the Hon'ble Supreme Court of India in Association of Synthetic Fibre Industries -vs- Appolo Tyres Ltd., [(2010) 13 SCC 733].

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner of Customs,
Custom House,
New Harbour Estate,
Tuticorin-628 004.

+One cc to Mr.R.Vinoth Bharathi, Advocate, SR.No.91739

+One cc to Mr.R.Aravindan, Advocate, SR.No.91831

Myr/sj

RL/4C/2P/SKN/RSK/SAR4/5/1/2018

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