



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.4875 of 2017
and
W.M.P (MD) No.3910 of 2017

M.Seyalmurugan

.. Petitioner

Vs.

1. The Chairman,
V.O.Chidambaram Fort Trust,
Tuticorin - 628 004.
2. The Commissioner of Customs (Import),
Customs House, Harbour Estate,
New Harbour, Tuticorin.
3. The Joint Commissioner of Customs (Import),
Customs House, Harbour Estate,
New Harbour, Tuticorin.
4. The Assistant Commissioner of Customs (Import),
Customs House, Harbour Estate,
New Harbour, Tuticorin.
5. The Plant Quarantine Officer/Plant Protection Officer,
Plant Quarantine Station, Door No.101,
Plot No.110, 2nd Street, CGE Colony,
Tuticorin - 628 003.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to strictly adhere the mandatory procedure stipulated under the Destructive Insects and Pests Act, 1914 and the Plant Quarantine (Regulation of Import into India) Order, 2003 while importing/clearing of wood logs arrived at V.O.Chidambaranar Port Trust, Thoothukudi in its letter and spirit without any deviation on the petitioner's



representation dated 08.03.2017.

For Petitioner : Mr.A.S.Vaigunth
For Respondents 2 to 4 : Mr.S.Gurumoorthy,
Junior Panel Counsel for Customs,
Excise and Service Tax.
For Respondent No.5 : Mr.N.Shanmuga Selvam
For Respondent No.1 : Mr.A.Arivuchandran

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ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to adhere to the mandatory procedure stipulated under the Destructive Insects and Pests Act, 1914 and the Plant Quarantine (Regulation of Import into India) Order, 2003, while importing/clearing of wood logs arrived at V.O.Chidambaranar Port Trust, Thoothukudi in its letter and spirit without any deviation, on the basis of the representation dated 08.03.2017, by way of issuing a writ of mandamus.

2.Mr.S.Gurumoorthy, learned Junior Panel Counsel for Customs, Excise and Service Tax, has taken notice for the respondents 2 to 4 and Mr.N.Shanmuga Selvam, learned counsel, has taken notice for the fifth respondent. Considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondent.

3.The learned counsel appearing for the petitioner has contended to the effect that on 08.03.2017, a representation has been given to the respondents with regard to adherence of the provisions of the Act mentioned in the petition, but the same has not been considered.

4.Considering the representation made on the side of the petitioner, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed in part without costs and the respondents are strictly directed to look into the representation dated 08.03.2017 and dispose of the same within a period of fifteen days.
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar



To

1. The Chairman,
V.O.Chidambaram Fort Trust,
Tuticorin - 628 004.
 2. The Commissioner of Customs (Import),
Customs House, Harbour Estate,
New Harbour, Tuticorin.
 3. The Joint Commissioner of Customs (Import),
Customs House, Harbour Estate,
New Harbour, Tuticorin.
 4. The Assistant Commissioner of Customs (Import),
Customs House, Harbour Estate,
New Harbour, Tuticorin.
 5. The Plant Quarantine Officer/Plant Protection Officer,
Plant Quarantine Station, Door No.101,
Plot No.110, 2nd Street, CGE Colony,
Tuticorin - 628 003.
- + 1 CC TO Mr.A.S.VAIGUNTH, ADVOCATE IN SR No. 16559
+ 1 CC TO Mr.N.SHANMUGA SELVAM, ADVOCATE IN SR No. 16826
+ 1 CC TO Mr.A.ARIVUCHANDRAN, ADVOCATE IN SR No. 16874

SMN

TE/SV-MMS/SAR-II : 27/03/2017 : 3P/9C

ORDER MADE IN
W.P(MD)No.4875 of 2017 and
W.M.P(MD)No.3910 of 2017
22.03.2017