

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.29600 of 2018

and

WMP.No.34568 of 2018

A.M.M.Food Products

Represented by Partner P.Kunharamutty

Having their Office at

PP/V/16B, Panangangara

Puzhakkattiri (P.O)

Malappura District, Kerala-6.

..Petitioner

Vs

1.The Deputy Commissioner of Customs (Group-1)

O/o.The Commissioner of Customs, Chennai-II,

Customs House, 60, Rajaji Salai,

Chennai-600 001.

2.Calyx Container Terminal Pvt. Ltd.,

No.28, GNT Road (NH 5)

Puzhal, Chennai-600 066.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to issue a Detention Certificate for the petitioner firm's import of 1202 cartons of Oat bar imported from China Vide Bill of Entry No.6751515 dated 11.06.2018 for the waiver of cargo handling charges for the period from 02.07.2018 till date.

For Petitioner : Mr.Velayutham Pichaiya

For Respondents : Mr.M.Venkateswaran
standing counsel for R1

O R D E R

This writ petition is filed seeking for issuance of a writ of mandamus, directing the 1st respondent to issue a Detention Certificate for the petitioner's firm for importing 1202 cartons of Oat bar imported from China Vide Bill of Entry No.6751515 dated 11.06.2018 for the waiver of cargo handling charges for the period from 02.07.2018 till date.

2. It seems that the petitioner has filed the present writ petition even without approaching the respondents and making a request seeking for issuance of a Detention Certificate as sought for in the present writ petition.

3. Therefore, this Court is of the view that the petitioner is not entitled to file the present writ petition without approaching the respondent and making a request to that effect. Accordingly, this writ petition is disposed of, only by granting liberty to the petitioner to approach the first respondent and make an application for issuance of Detention Certificate as sought for in this writ petition, within a period of seven days from the date of receipt of a copy of this order. If any such application is filed by the petitioner within the time stipulated supra, the first respondent shall consider the same and pass orders on merits and in accordance with law within a period of 10 days thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Deputy Commissioner of Customs (Group-1)
O/o. The Commissioner of Customs, Chennai-II,
Customs House, 60, Rajaji Salai,
Chennai-600 001.

+2cc to Mr.Velayutham Pichaiya, Advocate, S.R.No.76957

+2cc to Mr.M.Venkkateswaran, Advocate, S.R.No.77275(27/11/2018)

W.P.No.29600 of 2018

GSP(12/11/2018)