



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 2653 of 2015

and

M.P. (MD) No. 1 of 2015

M/s. AL HUDA Exports and Imports,
Rep. by its Proprietor Mr. Z.A. Mohamed,
67/2, Mela Ranganatha Puram,
Tuticorin - 628 002.

... Petitioner

Vs.

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

2. The Assistant Commissioner of Customs (Disposal),
Custom House, New Harbour Estate,
Tuticorin - 628 004.

3. The Manager,
M/s. Diamond CFS Park,
5/51A, Senthilampennai,
Keela Thattaparai Road,
Tuticorin - 628 103.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein not to dispose off/Auction nor destruct the above goods viz., 10 MTS., of Guatemalan Small Cardamom packed in 250 Cartons of 40 Kgs., each, covered under Bill of Entry No. 9235701, dated 06.02.2013, imported vide Bill of Lading No. NYKS7210147490, in Container No. NYKU2512181, in Vessel name MV. Tiger Pearl V. 492.

For Petitioner : Mr. A.K. Jayaraj
For R-1 & R-2 : Mr. S. Gurumoorthy,
for Mr. R. Nandakumar.

O R D E R

The Writ petitioner herein had earlier filed W.P. (MD) No. 3182 of 2013 for releasing their goods in question. This Court by order dated 28.02.2013, disposed of the Writ petition by issuing a set of five directions.

2. It appears that the Writ petitioner herein was not in a position to deposit the custom duty payable by him. Therefore, the authorities had brought the goods for sale by auction. Therefore, this Writ petition has been filed for restraining the second respondent from disposing of the goods by auction or destroying them.



3. I am of the view that the Writ petitioner's rights stood covered by the terms of the order dated 28.02.2013 made in W.P.(MD) No.3182 of 2013. Therefore, the question of maintaining one more Writ petition on the same set of facts would not arise.

4. This Writ petition stands closed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

+1cc to Mr.A.K.Jayaraj, Advocate Sr.No.94662

+1cc to Mr.R.Nandakumar, Advocate Sr.No.94643

PMU

VB/SV/SAR1/13.12.2018/2P/3C

W.P.(MD)No.2653 of 2015 and
M.P.(MD)No.1 of 2015
08.11.2018