

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.27068 of 2019
and
W.M.P.No.26440 of 2019

M/s.Winstar Shipping Services,
Rep. by its Proprietor,
Shri P.Vidyasagar,
NewNo.78, Old No.79, Armenian Street,
Chennai 600 001.

...Petitioner

Vs.

The Commissioner of Customs,
Chennai VIII Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai 600 001.

...Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorari to call for the records pertaining to the impugned order in original dated 06.08.2019 (Date of issue 13.08.2019) in F.No.R-512/CHA, passed by the respondent and quash the same.

For Petitioner : Mr.G.Derrick Sam
For Respondent : Mr.T.Pramod Kumar Chopda
Standing Counsel (I.T)

सत्यमेव जयते

O R D E R

The present writ petition is filed challenging the order of suspension of the license issued to the petitioner as Custom House Agent.

2. Though so many contentions are raised in this writ petition questioning the order of suspension, it is an admitted fact that subsequent to the impugned order of suspension, a show cause notice is issued to the petitioner

on 04.09.2019, proposing to revoke the license. It is stated by the learned counsel for the petitioner that an enquiry is conducted, where the petitioner is also participated and only report has to be filed before the concerned Authority by the Enquiry Officer and thereafter, a final order has to be passed by the competent Authority. In the meantime, the learned counsel for the petitioner submitted that the petitioner may be permitted to operate.

3. Considering the fact that any order to be passed in this writ petition would have an impact on the proceedings initiated by the respondent for revoking the license, this Court is of the view that without expressing any view on the merits of the claim made by the parties, this writ petition itself can be disposed of by directing the completion of the proceedings initiated for revoking the license of the petitioner within a time frame so that both parties will be in a position to know where do they stand.

4. Accordingly, this writ petition is disposed of, by directing the respondent to complete the proceedings initiated for revocation of the license of the petitioner and pass final order on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. This Court makes it clear that it is not expressing any view on the merits of the claim made by the petitioner and the respondent in the writ petition, since this Court dispose of the writ petition only by taking note of the subsequent development viz., issuance of show cause notice for revoking the license and the enquiry said to have been completed consequent upon such notice. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

vri

To

The Commissioner of Customs,
Chennai VIII Commissionerate,
Custom House, No.60, Rajaji Salai,
Chennai 600 001.

+1cc to Mr.T.Pramod Kumar Chopda , Advocate SR.No. 88725

+1cc to Mr.Hari krishnan,Advocate SR.No. 88415 (30/10/2019)

W.P.No.27068 OF 2019

A.SK(22/10/2019)