



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE DR.JUSTICE **ANITA SUMANTH**

W.P. (MD) No.13033 of 2019

and

W.M.P. (MD) No.9724 of 2019

M/s.Shadiram and Sons Pvt Limited,
Rep by its
Authorized Signatory cum Manager,
Desh Raj Sharma,
No.19, South Raja Street,
Thoothukudi,
Thoothukudi District.

... Petitioner

Vs.

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

2.The Assistant / Deputy Commissioner of Customs,
Customs House, New Harbour Estate,
Thoothukudi- 628 004.

... Respondents

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to cause release of the consignment of peas imported by the petitioner vide bills of lading in B.L.No.MBE0305994 dated 16.10.2018 and Bill No.MBE0306755 dated 27.10.2018 in light of the order made by this Court in Royal Impex Vs. Commissioner of Customs (W.P.No.4403 of 2019 dated 27.02.2019) and Shri Lakshmi Dhall Mills Vs. The Commissioner of Customs (W.P. (MD) No.6739 of 2019 dated 26.03.2019).

For Petitioner : Mr.M.Mahaboob Athiff
M/s.Ajmal Associates

For Respondents : Mr.R.Aravindan

O R D E R

Learned counsel for the respondent brings to the notice of this Court that a batch of Writ Petitions challenging Notification No.4/2015-2010 dated 25.04.2018 has been rejected by a learned single Judge of this Court in the case of M/s.Hira Traders V. DGFT (W.P.No.13033 of 2019 dated 20.06.2019) and M/s.Hira Traders V. DGFT (W.P.No.13033 of 2019 dated 20.06.2019) etc., batch dated 04.04.2019). The benefit of interim stay of notification on the basis of which this Court



has entertained writ petitions seeking identical prayers, now no longer exists.

2. The petitioner however places reliance on a decision of the learned Single Judge of this Court dated 29.05.2019 in W.P. (MD) No.12477 of 2019, wherein a similar writ petition has been allowed even after order dated 25.04.2018 rejecting the challenge to the notification. However, I note that though order dated 25.04.2018 [wrongly stated as 04.04.2019 in paragraph No.10 of the aforesaid decision] has been brought to the notice of the learned Single Judge and also extracted by her in paragraph Nos.10 and 11 of her decision there is no discussion in regard to the same thereafter. The learned single Judge has thus, not taken into consideration order dated 25.04.2018 in her conclusion.

3. For the above reasons, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2.The Assistant / Deputy Commissioner of Customs,
Customs House, New Harbour Estate,
Thoothukudi- 628 004.

+1 CC to M/s.R.ARAVINDAN, Advocate (SR-70314[F] dated 20/06/2019)

TA

W.P. (MD) No.13033 of 2019
20.06.2019

KM/ (22.07.2019) 2P 4C