

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. Nos.31455, 26344 & 26350 of 2019
and WMP.Nos.25697 & 25700 of 2019

WP.No.31455 of 2019

Yiwu Li Hang Import and Export Co. Ltd.,
2122 21st Floor Yiwu Port,
266 Chengxin Road, Yiwu Zhejiang,
China 322 000, Rep. by its Authorized
Representative Mr.Mao Xu Dong.

..Petitioner in W.P. No.31455 of 2019

M/s.Organ Needle Co. Ltd.
No.1 Maeyama Ueda-shi Nagano-ken Japan,
Rep. by its power of attorney holder Mr.
Ritam Rawal having office at Remfry House at
Millennium Plaza, Sector 27,
Gurgaon, Haryana -122 009

..Petitioner in W.P. Nos.26344 & 26350 of 2019

Vs.

- 1 The Chief Commissioner of Customs,
No.60 Rajaji Salai, Custom House,
Chennai 600 001.
- 2 The Commissioner of Customs,
Chennai III Commissionerate, No.60,
Rajaji Salai, Custom House, Chennai 600 001.
- 3 The Commissioner of Customs (Imports),
No.60 Rajaji Salai,
Custom House, Chennai 600 001.
- 4 The Commissioner of Customs (Exports),
No.60 Rajaji Salai, Custom House,
Chennai 600 001.

..Respondents in W.P. No.31455 of 2019

- 1 Commissioner of Customs,
60 Krishna Block, Rajaji Salai,
Chennai-600 001.
- 2 The Joint Commissioner(Imports),
60, Krishna Block, Rajaji Salai,
Chennai-600 001.

..Respondents in W.P. Nos.26344 & 26350 of 2019

Prayer in WP.31455 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus to direct the respondents herein to order for the re- export of the goods covered under Bill of Entry No.8575624 dated 23/10/2018 including the 552 cartons of sewing machine Needles which was found in excess and inadvertently shipped by the petitioner / overseas supplier on a provisional basis by considering the various representation of the petitioner the latest representation being dated 02/07/2019.

Prayer in WP.26344 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus to disclose and provide complete details of the exporters and importers of the consignment of sewing needles seized by the respondent in December 2018 which include products(needles) under the petitioners trademarks ORGAN and provide any further information as may be available with the respondents which may enable the petitioner to enforce its rights vesting in the trade marks ORGAN and curtail illegal activities with respect thereto.

Prayer in WP.26350 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus to provide a few samples of seized products under the petitioners trademarks ORGAN

For Petitioners in W.P.No.31455 of 2019 : Mr.S.Baskaran
For Petitioners in W.P.Nos.26344&26350 of 2019 : Ms.Varsha
Balasubramanian
For Ms.Preethi Mohan
For Respondents in the above W.Ps : Mr.S.R.Sundar, CGSC
for R1, R3 and R4
Mr.K.S.Ramasamy, CGSC
for R2

C O M M O N O R D E R

The prayer in W.P. No.31455 of 2019 is for a Mandamus directing the respondents to consider several representations stated to have been filed by the petitioner, the latest dated 02.07.2020 and further direct the respondents to order re-export

of the goods covered under bill of entry 8575624 dated 23.10.2018.

2. Mr.Sundar, learned Standing Counsel appearing for the official respondents. i.e., Customs Department states that proceedings have been initiated vide show cause notice dated 25.10.2019 to the importers and other domestic parties for assessment of the goods covered under the aforesaid bill of entry and are yet to be finalized.

3. In the light of the aforesaid, since proceedings are on-going for assessment, it would not be appropriate to consider or grant the mandamus as sought. This writ petition is accordingly dismissed.

4. In the light of memo circulated by learned counsel for the petitioner in W.P.Nos.26344 and 26350 of 2019 vide e-mail dated 16.10.2020, W.P. Nos.26344 and 26350 of 2019 are dismissed as withdrawn. Connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Chief Commissioner of Customs,
No.60 Rajaji Salai, Custom House,
Chennai 600 001.
- 2 The Commissioner of Customs,
Chennai III Commissionerate, No.60,
Rajaji Salai, Custom House, Chennai 600 001.
- 3 The Commissioner of Customs (Imports),
No.60 Rajaji Salai,
Custom House, Chennai 600 001.
- 4 The Commissioner of Customs (Exports),
No.60 Rajaji Salai, Custom House,
Chennai 600 001.

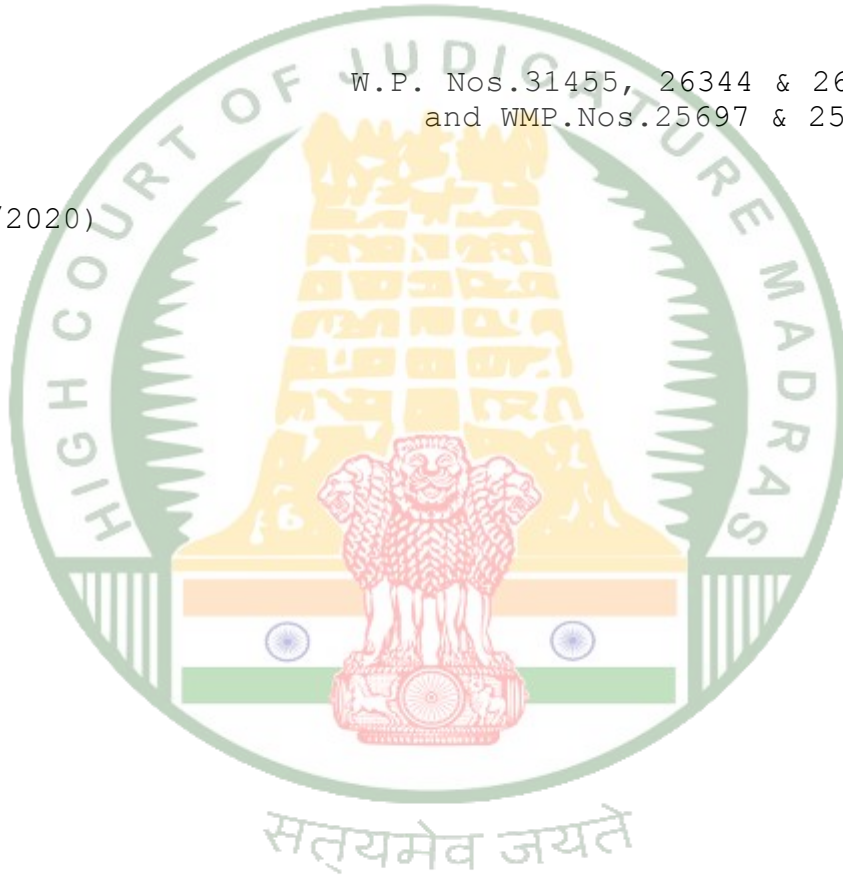
5. The Commissioner of Customs,
60 Krishna Block, Rajaji Salai,
Chennai-600 001.

6 The Joint Commissioner(Imports),
60, Krishna Block, Rajaji Salai,
Chennai-600 001.

+3ccs to M/s.S.R.Sundar, Advocate, sr no.34657,34656,34655
+2ccs to M/s,Preethi Mohan, Advocate, sr no.34044

W.P. Nos.31455, 26344 & 26350 of 2019
and WMP.Nos.25697 & 25700 of 2019

AJS (CO)
RMP (02/12/2020)



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