



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN, J**

W.P. (MD) No.459 of 2020

and

WMP (MD) .No.347 of 2020

WEB COPY

M/s.Ashok Timber Trading Company,
Rep.by its Partner Mr.Kishore S Patel,
No,275/1, Mysore Road, NTY Layout,
Gudadahally, Bangalore - 560 026.

... Petitioner

vs.

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

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

3. The Plant Protection Officer,
Government of India,
Ministry of Agriculture & Farmers Welfare,
Directorate of Plant Protection, Quarantine & Storage,
Plant Quarantine Station, Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent connected with order No.IR21Tut2019009923, dated 27.09.2019, on the file of the 3rd respondent and quash the same and consequently direct the 3rd respondent to re-inspect the samples of the subject consignment covered under Bill of Entry No.4405280, dated 07.08.2019, and further direct the 2nd and 3rd respondents herein to release the above subject consignment on the re-inspection opinion.

For Petitioner : Mr.A.K.Jayaraj

For Respondents : M/s.Vijay Karthikeyan,
Standing Counsel [for R1, R2]
Mr.C.Jeyasingh, CGSC,
[for R3]



ORDER

On 09.01.2020, my learned predecessor had directed the 3rd respondent to re-test the sample within a period of 4 weeks from the date of receipt of a copy of the said order. Today, the learned counsel for the 3rd respondent had produced a status report and in the same, it has been stated as follows:-

"It is submitted that as per this Hon'ble Court order dated 09.01.2020, the 3rd respondent re-inspected the consignment of Limbali Logs imported from Cameron on 29.01.2020 and found to be free from live infestation."

2. It is seen from the report that the sample is free from live infestation. In view of the same, the consequent relief that petitioner sought, namely to release consignment is ordered. Release of consignment is to be done by proper identification and acknowledgement. This order is passed in continuation of the order dated 09.01.2020. The writ petition is disposed of, as nothing further survives. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Pkn.

To

- 1.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin - 628 004.
- 2.The Assistant Commissioner of Customs (Imports),
Custom House, New Harbour Estate,
Tuticorin - 628 004.
3. The Plant Protection Officer,
Government of India,
Ministry of Agriculture & Farmers Welfare,
Directorate of Plant Protection, Quarantine & Storage,
Plant Quarantine Station, Tuticorin.



copy to
The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

WEB COPY

+1 CC to M/s.S.JEYASINGH, Advocate (SR-12267[F] dated 18/03/2020)

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-12355[F] dated 18/03/2020)

+1 CC to M/s.A.K.JEYARAJ, Advocate (SR-12520[F] dated 19/03/2020)

Issue order copy on 19.03.2020
W.P. (MD) No.459 of 2020
18.03.2020

SRK (CO)
TR (19.03.2020) 3P 8C