



WEB COPY

WP.(MD) No.6845 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2020

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THE HON'BLE **MR. JUSTICE C. SARAVANAN**

W.P. (MD) No.6845 of 2020

and

W.M.P. (MD) Nos.6249 & 6541 of 2020

(Through Video Conferencing)

M/s. Gold En Glow,
Through its Proprietor
A.S.Vigneesh,
241, TV Samy Road,
RS Puram, Coimbatore - 2

... Petitioner

Vs.

1.The Assistant Commissioner of Customs,
Tuticorin Customs House,
Harbour Estate, Tuticorin.

2.M/s. Cosco Liners,
Mangal Mahal,
Palayamkottai Road,
Tuticorin.

3.M/s. Next West Africa,
Through Krishnan,
Ramasamy Naicker Street,
TTK Road, Alwarpet, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to conduct proper enquiry in respect of raw cashew nuts in BL No:- COSU 6258013622, COSU 6258013629, COSU 6258013624 DATED 17.05.2020 based on the complaint/protest/representation dated 11.06.2020 and direct the custom authority 1st respondent not to deliver the cargo or raw cashew nuts to the 3rd respondent his agents or another agency or endorsee etc.

For Petitioner	: Mr.Ka.Raamakrishnan
For R1	: Mr. R.Aravindan
	Standing Counsel
For R3	: Mr.Ayyadurai, Senior Counsel
	for Mr.R.Bharanidharan



ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the 1st respondent and learned Senior Counsel for the 3rd respondent.

2. This Writ Petition has been filed to issue a Writ of Mandamus directing the 1st respondent to conduct proper enquiry in respect of raw cashew nuts in BL No:- COSU 6258013622, COSU 6258013629 and COSU 6258013624 dated 17.05.2020 based on the complaint/protest/ representation dated 11.06.2020 and not to deliver the cargo or raw cashew nuts to the 3rd respondent or its agents or another agency.

3. After hearing the both sides, when it was pointed out that this Writ Petition is not maintainable, the learned counsel for the petitioner submitted that he will workout his remedy before the District Court, Tuticorin under the provisions of the Arbitration and Conciliation Act, 1996.

4. Considering the above submission of the learned counsel for the petitioner, this Writ Petition is dismissed with liberty to the petitioner to approach the District Court for the appropriate relief. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Assistant Commissioner of Customs,
Tuticorin Customs House,
Harbour Estate, Tuticorin.

W.P.(MD) No.6845 of 2020 and
W.M.P.(MD) Nos.6249 & 6541 of 2020
30.06.2020

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