



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.12751, 13559, 13278 to 13280 of 2010
and
M.P.(MD)Nos.1(4) of 2010

Real Timbers Pvt. Ltd.,
Rep. by its Managing Director,
V.Bhaskaran ... **Petitioner in WP(MD).12751 of 2010**

Velmurugan Timber Traders,
Rep. by its Manager,
P.Uthayakumar ... **Petitioner in WP(MD)No.13559 of 2010**

MM Agencies,
Rep. by its Manager,
R. Iyyappan ... **Petitioner in WP(MD)No.13278 of 2010**

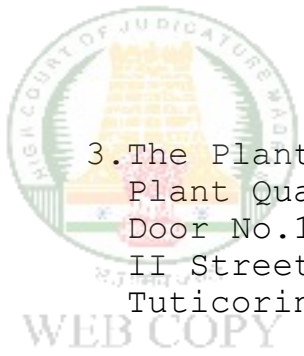
Simla Agencies,
Rep. by its Manager,
M.A.Sayyad Haris ... **Petitioner in WP(MD)No.13279 of 2010**

Vembar Timber and Agencies,
Rep. by its Manager,
C. Thirumalai Kumar ... **Petitioner in WP(MD)No.13280 of 2010**

Vs.

1.The Joint Secretary,
Plant Protection,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi.

2.The Deputy Director,
Plant Protection,
Regional Plant Quarantine Station,
GST Road,
Meenambakkam,
Chennai - 27.



3.The Plant Protection Officer (E),
Plant Quarantine Station,
Door No.101, Plot No.110,
II Street, CGE Colony,
Tuticorin - 3.

4.The Assistant Commissioner of Customs,
Tuticorin Port,
Tuticorin.

: Respondents in all WPs

PRAYER IN WP(MD).12751 OF 2010: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 2 to 4 forthwith to release the consignment of Timber in the containers with Distinctive numbers ZCSU-853702-2 and ZCSU-848597-3 under their custody in the Tuticorin Port Trust without insisting for the payment of the five times Inspection Fees.

Prayer in WP(MD)No.13559 of 2010 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus and directing the Respondents 2 to 4 forthwith release the consignment of Timber in the container with Distinctive numbers PONU7340693, MSKU8880510, MSKU1301806, PONU8231146, MSKU0641648, MSKU1169454, MSKU0519141, MSKU8285965, TRLU6943307 under their custody in the Tuticorin Port Trust without insisting for the payment of the five times Inspector fees.

Prayer in WP(MD)No.13278 of 2010 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the Respondents 2 to 4 forthwith release the consignment of Timber in the container with Distinctive numbers ECMU948764/3 & CLHU810108/8 under their custody in the Tuticorin Port Trust without insisting for the payment of the five times Inspection Fees.

Prayer in WP(MD)No.13279 of 2010 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the Respondents 2 to 4 forthwith release the consignment of Timber in the container with number MSKU 2171348 under their custody in the Tuticorin Port Trust without insisting for the payment of the five times Inspection Fees.

Prayer in WP(MD)No.13280 of 2010 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the Respondents 2 to 4 forthwith release the consignment of Timber in the container with Distinctive numbers UESU4214544, CAXU7078410, TRLU6289120 and TRLU6560904 under their custody in the Tuticorin Port Trust without insisting for the payment of the five times Inspection Fees.



For Petitioner
(in all WPs)

:Mr.R.Murali
for Mr.K.Govindarajan

For Respondents

:Mr.R.Vijayarajan for R.1
in WP(MD).12751,13278 to 13280 of 2010

Mr.R.Pandi
for R.2 & R.3
in WP(MD).12751,13278 to 13280 of 2010

Mr.R.Aravindan, for R.4 in all WPs

Mr.D.saravanan for R1 to R3
in WP(MD).13559 of 2010

COMMON ORDER

These writ petitions are filed for a mandamus directing the respondents 2 to 4 to release the consignment of Timber from the custody of Tuticorin Port Trust.

2.The petitioner, an importer, has imported some Teak woods from Abroad. The second respondent authority has raised certain objections that the fumigation certificates are not proper and therefore, the fourth respondent / customs authority has refused to release the goods. Thus, the petitioner has moved these petitions.

3.This Court, while entertaining these applications, has passed an interim order directing the respondents to release the goods, on payment of the five times penalty leviable as per Clause 14(2) of the Plant Quarantine (Regulation of import into India) Order 2003, ie., the inspection charges.

4.Learned Counsel for the petitioner claims that pursuant to the interim order, the petitioner has paid the amount demanded and the goods were thereafter, released.

5.Since the goods have already been released, no further order is required to be passed in these writ petitions. Accordingly, these writ petitions are disposed of, with liberty to the petitioner to work out his remedy for refund of excess amount paid, if any, by filing appropriate applications before the authority concerned. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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/ /2022

Sub Assistant Registrar(CS)



gk

To

1.The Joint Secretary,
Plant Protection,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi.

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4.The Assistant Commissioner of Customs,
Tuticorin Port,
Tuticorin.

+1 CC to Mr.K.GOVINDARAJAN, Advocate SR.No. 15798

+1 CC to Mr.D.SARAVANAN, Advocate SR.No. 15528

Order made in
W.P (MD) Nos.12751, 13559,
13278 to 13280 of 2010
30.03.2022

ks (CO)

TR(11.04.2022) 4P 7C