



WEB COPY



W.P. No.4646 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM :

The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4646 of 2023

M/s.Marvel Enterprises,
Rep. by its Proprietor,
Starlina

... Petitioner

VS

1. The Chief Commissioner of Customs,
O/o. the Commissioner of Customs (Sea Port),
Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

2. The Commissioner of Customs (Imports),
O/o. the Commissioner of Customs (Sea Port),
Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

3. The Additional Commissioner of Customs
(Group-6),
O/o. the Commissioner of Customs -Import,
Commissionerate,
Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent for initiating proceedings for in terms of Section 110A to release of seized imported goods pending adjudication in Invoice B/L No.KBP00221018, dated 15.10.2022.

For Petitioner : Mr.A. Sathiya Prakash

For Respondents : Mr.S. Gurumoorthy,
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to pass final orders on the petitioner's representation seeking for release of the seized imported goods pending adjudication in Invoice B/L No.KBP00221018, dated 15.10.2022, within a time frame to be fixed by this Court.

2. It is now brought to the notice of this Court by the learned Standing Counsel appearing for the respondents that as on date, no application has been filed by the petitioner under Section 110A of the Customs Act seeking for provisional release of the imported goods. He would also submit on instructions that the subject goods are detained by



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DRI and the DRI has not been made as a party respondent in this writ petition. The said statement is recorded.

3. Since no application has been filed by the petitioner seeking for provisional release of the imported goods under Section 110A of the Customs Act, the petitioner will have to file a fresh application. Liberty is granted to the petitioner to file a fresh application seeking for provisional release of the imported goods under Section 110A of the Customs Act and on receipt of the application, the respondents shall consider the same on merits and in accordance with law.

4. With the aforesaid directions, this writ petition is disposed of.
No costs.

23.02.2023

Index: Yes/No
Neutral Citation: Yes/No
vsi2



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ABDUL QUDDHOSE, J.

vsi2

To

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