



W.P.Nos.24797 of 2023 etc batch

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.24797, 24799, 24801, 24802, 24803, 24804, 24806, 24807,
24805, 24808, 24811, 24812, 24825, 24826, 24828 and 24829 of 2023

K.Madhavan

... Petitioner

Vs.

1.The Commissioner of Customs,
Chennai VIII Commissionerate,
Customs House,
No.60, Rajaji Salai,
Chennai - 600 001.

2.The Deputy Commissioner of Customs,
Customs Broker Section,
Customs House,
Chennai - 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to issue “G Card” to the petitioner in terms of Regulation 13(5) of CBLR, 2018 without insisting on passing oral examination.



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For Petitioners : Mr.Hari Radhakrishnan
(In all W.Ps)

For Respondents : Mr.Avinash Wadhwani
(In all W.Ps) Junior Standing Counsel

COMMON ORDER

Mr.Avinash Wadhwani, learned Junior Standing Counsel takes notice on behalf of the respondents.

2. By this common order, all the writ petitions are being disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Junior Standing Counsel for the respondents.

3. All these petitioners have appeared for the written examination conducted under Regulation 19 of the Customs House Agents Licensing Regulations, 2004 and have also cleared the written examination. However, as was the practice of the Customs House to conduct an oral examination, oral examination was held. All these petitioners who are employees of various Custom House Agents were issued with Form-H under the provision of the Customs House Agents Licensing Regulations, 2004, failed to qualify



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in the oral examination and thus continued to work only as employees of various Customs House Agents.

4. The petitioners have now given representations to the Licensing Authority namely the first respondent as also the second respondent for issuance of Form-G as per the Regulation 13(5) of the Customs Brokers Licensing Regulations, 2018. These representations have been sent by the respective petitioners on the strength of decisions of this Court, rendered in **Shabeer Ahmed Sayeed Vs. Principal Commissioner of Customs (Preventive), Tiruchirapalli**, 2020 (373) E.L.T. 380 (Mad.), which was followed subsequently in **M.Muniasamy Vs. Assistant Commissioner of Customs, Tuticorin**, 2021 (378) E.L.T. 255(Mad.) and in yet another decision of the learned Single Judge of this Court in **R.Murugesesh Vs. The Assistant Commissioner of Customs, Tuticorin**, in W.P(MD).No.18344 of 2020 dated 23.06.2021.

5. *Prima facie*, it appears the petitioners are entitled for issuance of Form-G in terms of Regulation 13(5) of the Customs Brokers Licensing Regulations, 2018, which has replaced Customs Brokers Licensing



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Regulations, 2013, which in turn had replaced as Customs Brokers Licensing Regulations, 2004.

6. Be that as it may considering the fact that petitioners have passed the written examination conducted under the Customs House Agents Licensing Regulations, 2004 as in force during the material period, the first respondent is directed to consider the representations of the petitioners and dispose the same on merits and in accordance with the law within a period of six weeks from the date of receipt of a copy of this order, after duly considering the three decisions cited above.

7. These Writ Petitions stand disposed of with the above observations.

No costs.

23.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

shl/arb



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C.SARAVANAN, J.

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