



*W.P.No.29377 of 2023*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 07.11.2023**

**CORAM:**

**THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY**

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M/s.Jineshwar Enterprise  
No.44, Second Floor, Ambica Darshan C.H.S.  
M.G.Road, Ghatkopar (East)  
Mumbai – 400 077  
Rep by its Authorized Signatory  
Mr.Vinod Devendra Padyal

... Petitioner

-Vs-

- 1.The Commissioner of Customs (Gr.2)  
New Customs House, Meenambakkam  
Chennai – 27.
- 2.The Addl. Commissioner of Customs (Gr.2)  
New Customs House, Meenambakkam  
Chennai – 600 027.
- 3.The Asst/Deputy Commissioner of Customs (Gr.2)  
New Customs House, Air Cargo Complex  
Meenambakkam, Chennai – 600 027.
- 4.The Deputy Commissioner of Customs (SIIB)  
New Customs House, Air Cargo Complex  
Meenambakkam, Chennai – 600 027.



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5.The Superintendent/Intelligence Officer (SIIB)

Room No.215, Second Floor

New Customs House, Air Cargo Complex

Meenambakkam, Chennai – 600 027.

... Respondents

**PRAYER :**

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus to direct the respondents herein to consider the representation of the petitioner dated 08.09.2023, in so far as, in the said representation, the petitioner had sought for to release the subject goods, being a “Live Consignment”, covered under Bill of Entry No.6548176 dated 23.06.2023, based on the test report, said to have been given by the Laboratory (which test report was not given to the petitioner) and also in terms of the past clearance of the very same goods, imported by the petitioner concern, which goods have been assessed and cleared by the proper officer of customs, under the very same jurisdiction of the Respondent Customs Commissionerate.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.K.S.Ramaswamy, Standing Counsel

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**ORDER**

This Writ Petition has been filed seeking a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 08.09.2023.

2.It is the case of the petitioner that it has imported the subject goods from China vide Bill of Entry No.6548176 dated 23.06.2023. While so, the respondents seized the goods/live consignment on 30.06.2023 and therefore, the petitioner has made a request for release of goods vide representation dated 08.09.2023. However, till date the respondents have not taken any steps to dispose of the said representation and release the goods in accordance with law. Therefore, the petitioner was constrained to file the present Writ Petition.

3.On the other hand, learned standing counsel appearing on behalf of the respondents would submit that it is suffice if the petitioner appear before the concerned authorities and provide all documents to substantiate their case and clear the queries raised by the respondent/department.



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Learned counsel has also raised the same grounds in the counter affidavit also.

4.In reply to the submissions made by learned standing counsel for the respondent, learned counsel for the petitioner would submit that the petitioner had already appeared before the concerned authorities and had provided all the details. The said submission is also accepted by the respondents.

5.Learned standing counsel for the respondents would further submit that the respondents are in the process of investigation and once the investigation is completed, appropriate orders will be passed.

6.Upon hearing the submissions made by learned counsel for the petitioner and learned standing counsel appearing on behalf of the respondents and on perusal of the records placed before this Court, this Court is of the considered view that since the issue pertains to disposal of the representation dated 08.09.2023 for release of the subject goods/live consignment imported from China vide Bill of Entry No.6548176 dated



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23.06.2023 and as the petitioner had already appeared before the concerned authorities and had provided all the details and even according to the respondents, the respondents are in the process of investigation, it would be appropriate to direct the respondents to dispose of the representation dated 08.09.2023 made by the petitioner, on merits and in accordance with law, within a period of thirty days from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above directions. No costs.

**07.11.2023**

Neutral Citation : Yes/No

Internet : Yes/No

Index : Yes/No

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**Note** : Issue order copy on 09.11.2023



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**KRISHNAN RAMASAMY, J.**

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