



W.P. (MD) No. 28039 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

C O R A M

**THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU**

W.P. (MD) No. 28039 of 2022

and

W.M.P. (MD) No. 22119 of 2022

M/s. Sri Venkateshwara Paper Boards,  
Rep. by its General Manager Mr. L.Barath,  
No.4/39, Pethureddipatti Village,  
Sattur – 626 203, Tamilnadu.

... Petitioner

Vs.

1.The Commissioner of Customs,  
Custom House, New Harbour Estate,  
Tuticorin – 628 004.

2.The Joint Commissioner of Customs (SIIB),  
Custom House, New Harbour Estate,  
Tuticorin – 628 004.

3.The Deputy Commissioner of Customs (SIIB),  
Custom House, New Harbour Estate,  
Tuticorin – 628 004.

4.The District Environmental Engineer,  
TNPCB, No. C7 and 9, SIPCOT Industrial Complex,  
Meelavittan, Tuticorin – 628 008.

... Respondents

1/5



W.P. (MD) No. 28039 of 2022

(R4 is Suo Motu impleaded vide Court Order dated 23.12.2022 in W.P. (MD) No. 28039 of 2022 by PDAJ)

**PRAYER:** Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents herein to Release the goods viz., 49.524 Mts., viz., 2x40 HC Containers of “Waste Paper – Milk Cartons” imported vide Bill of Entry No. 3242943, dated 10.11.2022, totally valued at USD 17333.40 and further to direct the respondents to issue Waiver Certificate for CFS Ground Rental Charges and Rental Charges payable for Domestic Containers / Demurrage charges under Handling of Cargo in Customs Area Regulations, 2009.

|                 |                               |
|-----------------|-------------------------------|
| For Petitioner  | : Mr. A.K. Jayaraj            |
| For Respondents | : Mr. N.Dilipkumar            |
|                 | Standing Counsel for R1 to R3 |
|                 | Ms. Vijayakumari Natarajan    |
|                 | Standing Counsel for R4       |

### ORDER

Heard Mr. A.K. Jayaraj, Learned Counsel for the Petitioner, Mr. N.Dilip Kumar, Learned Counsel appearing for the First to Third



W.P. (MD) No. 28039 of 2022

Respondents, Ms. Vijayakumari Natarajan, Learned Counsel appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has filed this Writ Petition for directing the First to Third Respondents to release the goods viz., 49.524 Mts., viz., 2x40 HC Containers of “Waste Paper – Milk Cartons” imported vide Bill of Entry No. 3242943, dated 10.11.2022, totally valued at USD 17333.40 and further directing them to issue Waiver Certificate for CFS Ground Rental Charges and Rental Charges payable for domestic containers / demurrage charges under Handling of Cargo in Customs Area Regulations, 2009.

3. In furtherance to the order passed on 10.01.2023 by the Court, the First Respondent by Proceedings No. I/97472/2023 dated 23.01.2023 has rejected the application for provisional release of the goods.

4. In view of the subsequent events, the relief as sought in the Writ Petition does not remain for consideration, but it would not preclude the Petitioner, if he still has any further grievance, to work out his remedies



W.P. (MD) No. 28039 of 2022

before the proper forum in the manner recognized by law. It is needless to add here that no view has been expressed on the merits of the controversy involved in the matter.

In fine, the Writ Petition is disposed with the aforesaid observations.

Consequently, the connected Miscellaneous Petition is closed. No costs.

**30.01.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
SJ

**Note: Issue copy of the order by 09.05.2023**



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W.P. (MD) No. 28039 of 2022

**P.D.AUDIKESAVALU,J.**

SJ

W.P. (MD) No. 28039 of 2022

30.01.2023