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W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

and

W.M.P.Nos.4596, 7367, 7369, 7431 & 7433 of 2021 & 5152 of 2021

M/s.Seaways Liner Agencies Pvt. Ltd
Agents of Maxicon container Line Pte Ltd
105, 2nd Floor, Rahmat Mazil,
Armenian Street, Chennai,
Tamil Nadu 600 001.
Represented by its Authorized Signatory
Mr.D.Mathivanan

....Petitioner in all W.Ps

Vs

1. The Commissioner of Customs,
Chennai IV Commissionerate,
Customs House,
No.60, Rajaji Salai,
Chennai 600 001.
2. Deputy Commissioner of Customs
Chennai IV Commissionerate (UCC),
Customs House,
No.60, Rajaji Salai,
Chennai 600 001.

....Respondents in all W.Ps

PRAYER in W.P.No.4024 of 2021: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorari to call for the records leading to the issuance of the order in Original No.78973/2021 dated 08.01.2021, passed by the 2nd Respondent and quash the same.



W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

PRAYER in W.P.No.6815 of 2021: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records leading to the issuance of the order in Original No.79103/2021 dated 19.01.2021, vide F.No.S.Misc.43/2020-UCC passed by the 2nd Respondent and quash the same.

PRAYER in W.P.No.6893 of 2021: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records leading to the issuance of order in Original No.79105/2021 dated 19.01.2021 vide F.No.S.Misc 28/2020-UCC passed by the 2nd respondent and quash the same.

PRAYER in W.P.No.6895 of 2021: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records leading to the issuance of order in Original No.79106/2021 dated 19.01.2021 vide F.No.S.Misc 38/2020-UCC passed by the 2nd respondent and quash the same.

PRAYER in W.P.No.6819 of 2021: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records leading to the issuance of order in Original No.79104/2021 dated 19.01.2021, vide F.No.S.Misc 42/2020-UCC passed by the 2nd respondent and quash the same.

PRAYER in W.P.No.5037 of 2021: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records leading to the issuance of the Show Cause Notice dated 18.12.2020 vide F.No.S.Misc.144/2020-UCC issued by the 2nd respondent, quash the same and consequently quash order in Original No.87754/2022 dated 31.01.2022 passed by the 2nd respondent.



W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

In all W.Ps

For Petitioner : Mr.C.Thiyagarajnan
For Respondents : Mr.M.Santhanaraman
Senior Standing Counsel

ORDER

By this common order, all these Writ Petitions are being disposed of.
In these Writ Petitions, the petitioner has challenge the respective
impugned orders in Original Nos., as detailed below:-

S.No.	W.P.Nos.	Date of Import	Date of Issuance of SCN	Impugned order in Original Nos.	Date of order in Original
1.	5037 of 2022	12.06.2007	18.12.2020	87754/2022	31.01.2022
2.	6815 of 2021	05.12.2011	04.12.2020	79103/2021	19.01.2021
3.	6893 of 2021	17.11.2011	14.11.2020	79105/2021	19.01.2021
4.	6895 of 2021	08.11.2011	16.11.2020	79106/2021	19.01.2021
5.	4024 of 2021	05.12.2011	16.11.2020	78973/2021	08.01.2021
6.	6819 of 2021	05.12.2011	04.12.2020	79104/2021	19.01.2021

2. The issue in this case stands squarely covered in favour of the petitioner in terms of the order of this Court dated 21.12.2023 in W.P.No.8247 of 2021 etc., batch, which was also followed by this Court in W.P.Nos. 8789 of 2021 etc., batch, dated 09.08.2024 and the operative portion is as follows:



W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

7. Applying the reasoning contained in the above judgements it leaves no room for any doubt in my mind that the impugned proceedings under Section 124 of the Act, 12 yeats after the import is liable to be set aside on the ground of unreasonable delay. Thus the impugned proceedings are set aside. The Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous are closed.

3. Under these circumstances, the impugned orders are quashed insofar as the petitioner is concerned. Accordingly, these Writ Petitions stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

07.11.2024

Index :Yes/No
Neutral Citation : Yes
Speaking order : Yes
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W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

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To

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W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

C.SARAVANAN, J

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W.P.Nos.4024, 6815, 6819, 6893 & 6895 of 2021 & 5037 of 2021

07.11.2024