



W.P.(MD) Nos.4360 of 2019 and 23055 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)Nos.4360 of 2019 and 23055 of 2018

and

W.M.P.(MD)Nos.3462 and 3463 of 2019 in W.P.(MD)No.4360 of 2019

and

W.M.P.(MD)Nos.20949 and 20950 of 2018 in

W.P.(MD)No.23055 of 2018

M/s.Lotuss Enterprises,
Rep. by its Authorised Person,
Dr.Athma Sivakumar,
10, VOC Street,
Pricol Colony,
Kavundampalayam,
Coimbatore – 641 030.

... Petitioner in both the W.Ps.

Vs.

1.Government of India,
Rep. by the Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin – 628 004,
Tamilnadu, India.

2.State of Tamil Nadu
Rep. by its Secretary,
Department of Agriculture,
Secretariat, St. George Fort,
Chennai - 9.



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3.MMTC Limited [Metals and Minerals Trade Corporation],

Rep. by its Deputy General Manager,

Chennai House,

Regional Office, Essar House,

6, Esplanade, Chennai - 600108.

4.The Assistant Commissioner (Bonds and Disposal)

Custom House, New Harbour Estate,

Tuticorin – 628 004,

Tamilnadu, India.

5.The Director of Agriculture,

O/o. the Director of Agriculture,

Chepauk,

Chennai – 600 005.

6.The Joint Commissioner (CCO),

O/o. the Chief Commissioner of Customs,

No.1, Williams Road, Cantonment,

Trichy – 620 001.

7.M/s.Mannariah and Sons Pvt. Ltd.,

Harbour Express Highway,

Mattakadai, Cruz Puram,

Thoothukudi,

Tamil Nadu – 628 001.

8.M/s. Krishnamurthy Ramesh,

Oil Creek Ranch, Basahalli Hundi,

Someshwarapura Post, Mysore – 571 113.

9.M/s.Jeyam & Company,

1D/109, Vms Nagar,

Tuticorin - 628 002.

... Respondents in both the W.Ps.

Prayer in W.P.(MD)No.4360 of 2019:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Direction, to declare the permit given by Respondent No.4 to the Respondent No.8 to clear the



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balance goods as illegal and consequently, to direct Respondent Nos.3 and 4 to permit the petitioner to pay the balance amount and clear the entire goods stored at the Customs Bonded Warehouse Godown at M/s.Mannariah and Sons Pvt Ltd., Tuticorin, within the time period stipulated by this Court.

Prayer in W.P.(MD)No.23055 of 2018:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in MMTC/CHN/FERT/2018-19/MISC, dated 19.09.2018, on the file of the Respondent No.3 and the consequential order in C.No.VIII/40/01/2015-CC(P) dated 26.09.2018, on the file of the Respondent No.6, quash the same as illegal and to consequently direct Respondent Nos.1 and 3 to permit the petitioner to repay the refunded balance amount and clear the entire goods stored at the Customs Bonded Warehouse Godown at M/s.Mannariah and Sons Pvt. Ltd., Tuticorin, within the time period stipulated by this Court.

For Petitioner in both the W.Ps. : Mr.Mahaboob Fazil

For R1 in both the W.Ps. : Mr.S.Jeyasingh
Senior Panel Counsel

For R2 and R5 in both the W.Ps. : Mr.S.P.Maharajan
Special Govt. Pleader

For R3 in both the W.Ps. : Mr.S.A.Ganapathyraman

For R4 and R6
in both the W.Ps. : No Appearance

For R7 and R9 in both the W.Ps. : No Appearance



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COMMON ORDER

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The learned counsel for the petitioner submits that he is unable to get any further instructions from his client. It is submitted that despite reminders, there is no response from the petitioner.

2. Under these circumstances, both the Writ Petitions are dismissed for statistical purpose with liberty to the petitioner to approach this Court within a reasonable time. No costs. Consequently, connected Miscellaneous Petitions are closed. The learned counsel for the petitioner shall however ensure that the order passed by this Court today is communicated to the petitioner immediately and a Memo to that effect shall be filed and kept in the bundle.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

01.07.2024

To

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



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- 2.The Secretary,
State of Tamil Nadu
Department of Agriculture,
Secretariat, St. George Fort,
Chennai – 9.
- 3.The Assistant Commissioner (Bonds and Disposal)
Custom House, New Harbour Estate,
Tuticorin – 628 004,
Tamilnadu, India.
- 4.The Director of Agriculture,
O/o. the Director of Agriculture,
Chepauk,
Chennai – 600 005.
- 5.The Joint Commissioner (CCO),
O/o. the Chief Commissioner of Customs,
No.1, Williams Road, Cantonment,
Trichy – 620 001.



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C.SARAVANAN, J.

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Common order in
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