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W.A.(MD) No.2148 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.2148 of 2023

and

C.M.P.(MD)Nos.17241 of 2023 & 3025 of 2024

Chidambara Sundaram

... Appellant

-Vs-

1.V.Meena

2.The Assistant Commissioner of Customs,
Customs House,
New Harbour Estate,
Thoothukudi-628 004, Thoothukudi District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 29.09.2023 passed in W.P.(MD)No.12046 of 2022 on the file of this Court.

For Appellant : Mr.B.Rajesh Saravanan

For R1 : Mr.L.Infant Dinesh

For R2 : No Appearance



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JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

This Writ Appeal is directed against the order of the Writ Court dated 29.09.2023 made in W.P.(MD)No.12046 of 2022.

2.The 1st respondent / writ petitioner has filed the Writ Petition, seeking for a direction to the 2nd respondent herein to consider the representation dated 31.05.2022 to cancel the license issued to the appellant / 2nd respondent. The Writ Court, after hearing both sides, directed the 2nd respondent herein to take action as per law against the appellant / 2nd respondent within a period of four weeks from the date of receipt of a copy of the order. Challenging the same, this Writ Appeal is filed by the appellant / 2nd respondent on the ground that if there is any violation of the rental agreement, the Writ Court ought to have relegated the parties to seek their remedy only before the competent civil Court.

3.The learned counsel appearing for the 1st respondent would submit that the Writ Court only issued a direction to the 2nd respondent to consider the representation made by the writ petitioner and has not granted any positive direction. Therefore, this Writ Appeal is liable to be dismissed.



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4. On perusal of the impugned order passed by the Writ Court, we presume that the order of the Writ Court is only a direction to consider the representation of the writ petitioner. Even though the Writ Court recorded the submissions of the writ petitioner, there is no conclusion arrived by the Writ Court in favour of the writ petitioner. The said fact has also not been disputed by the 1st respondent / writ petitioner. In view of the above, we are of the view that since the order of the Writ Court is only a direction to consider the representation of the writ petitioner for cancellation of the license issued to the appellant, the 2nd respondent is directed to consider the representation of the writ petitioner and pass appropriate orders on its own merits and in accordance with law after providing opportunity to all the parties concerned within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions and observations, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
13.03.2024

NCC : Yes / No
Index : Yes / No
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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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To

The Assistant Commissioner of Customs,
Customs House,
New Harbour Estate,
Thoothukudi-628 004, Thoothukudi District.

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