



W.P.No.7872 of 2025

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 07.03.2025

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.No.7872 of 2025

M/s.Balaji Enterprises,

rep. By its Proprietor

Mr.B.Sivaramakrishnan,
Sowcarpet, Chennai-79.

.. Petitioner

Vs

1.The Deputy Commissioner of Customs (SIIB),
O/o the Principal Commissioner of Customs, Chennai-III,
Preventive Commissionerate,
No.60, Rajaji Salai,
Customs House, Chennai – 1.

2.The Superintendent of Customs, SIIB,
O/o the Principal Commissioner of Customs, Chennai-III,
Preventive Commissionerate,
No.60, Rajaji Salai,
Customs House, Chennai – 1.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the records of the impugned order of detention passed in F.No.GEN/INV/Misc/367/2024-SIIB, dated 24.10.2024, and the impugned order of seizure passed in F.No.GEN/INV/Misc/367/2024-SIIB, dated 18.02.2025, by the first respondent and quash the same and



W.P.No.7872 of 2025

consequently direct the respondents to release the imported goods (agricultural rejected residues and waste pieces – a kind used in animal feed materials), based on the Bill of Entry dated 21.10.2024 after waiving storage charges.

For Petitioner : Mr.K.Raja

For Respondents : Ms.Pooja Jain,
Junior Standing Counsel

ORDER

This writ petition has been filed challenging the seizure order dated 18.02.2025 passed by the first respondent.

2. The learned counsel for the petitioner drew the attention of this Court to the report obtained by the first respondent pertaining to the seized goods from ICAR dated 31.01.2025. He would submit that it is clear from the said report that goods seized by the first respondent are unfit for human consumption. According to him, goods were imported for animal feed and it is not fit for human consumption. Therefore, the learned counsel for the petitioner would submit that even as per the report obtained by the first respondent from ICAR, it has been confirmed that the seized goods are not fit for human consumption. Therefore, according to him, the seizure is bad in law.



W.P.No.7872 of 2025

3. However, Ms.Pooja Jain, learned junior standing counsel, accepting notice on behalf of the respondents, submits that apart from the goods being unfit for human consumption, the respondents have also seized goods on the ground that a mis-declaration was made in the Bill of Entry filed by the petitioner. Therefore, if a positive direction is required to be passed, necessarily a counter affidavit will have to be filed by the respondents.

4. However, the learned counsel for the petitioner is now satisfied if the petitioner's representations dated 22.02.2025 and 25.02.2025 seeking for provisional release of the goods is considered on merits and in accordance with law, in the light of ICAR report dated 31.01.2025, within a time frame to be fixed by this Court. He would also submit that since goods are perishable in nature, a direction may be given to the respondents to consider the petitioner's representations within a short time.

5. This Court, after giving due consideration to the submissions of both the learned counsels, is of the considered view that no prejudice will



W.P.No.7872 of 2025

be caused to the respondents if the petitioner's representations dated 22.02.2025 and 25.02.2025 are considered on merits and in accordance with law, in the light of ICAR report dated 31.01.2025. Accordingly, this Court directs the respondents to pass final orders on the petitioner's representations dated 22.02.2025 and 25.02.2025 seeking for provisional release of the goods, which are the subject matter of the impugned seizure order dated 18.02.2025, in the light of ICAR report dated 31.01.2025, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. With this direction, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

07.03.2025

Index: yes/no
Neutral citation: yes/no
speaking/non-speaking
rkm

Note to Office:

Issue order copy on 08.03.2025



W.P.No.7872 of 2025

WEB COPY

To

- 1.The Deputy Commissioner of Customs (SIIB),
O/o the Principal Commissioner of Customs, Chennai-III,
Preventive Commissionerate,
No.60, Rajaji Salai,
Customs House, Chennai – 1.

- 2.The Superintendent of Customs, SIIB,
O/o the Principal Commissioner of Customs, Chennai-III,
Preventive Commissionerate,
No.60, Rajaji Salai,
Customs House, Chennai – 1.



WEB COPY



W.P.No.7872 of 2025

ABDUL QUDDHOSE,J.

rkm

W.P.No.7872 of 2025

07.03.2025