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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.03.2025**

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.No.7532 of 2025

and

W.M.P.No.8436 of 2025

S.R.TRUST,
rep. by its Trustee, Mr.G.Sakthi Saravanan,
Meenakshi Mission Hospital & Research Centre,
Lake Area, Melur Road,
Madurai - 625 107

...Petitioner

Vs

1. The Principal Commissioner of Customs,
O/o the Principal Commissioner of Customs,
Air Cargo complex,
Meenambakkam,
Chennai - 600 027.

2. The Commissioner of Customs (Imports),
O/o The Commissioner of Customs (Imports)
Air Cargo Complex,
Meenambakkam,
Chennai - 600 027.

3. The Deputy Commissioner of Customs,
O/o The Deputy Commissioner of Customs,
SIIB Department, Air Cargo Complex,
Meenambakkam,
Chennai - 600 027.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to

issue a Writ of Mandamus to direct the respondents to forthwith release the



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goods imported by the Petitioner Trust under Bill of entry dated 04.01.2025 No.7608928 by giving effect to the Out of Charge dated 18.01.2025 in No. 2061422442, without insisting for any other charges either towards demurrage or other charges, considering the representation dated 24.02.2025 of the petitioner Trust given to the 3rd respondent.

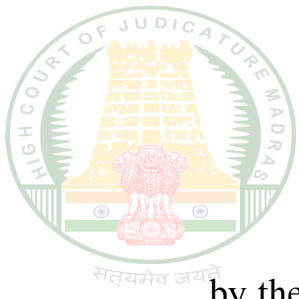
For Petitioner : Mr.Muralikumaran,
Senior Counsel
for M/s. McGAN Law Firm

For Respondents : Ms.Pooja Jain,
Jr.Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for release of the goods imported by the Petitioner Trust under Bill of Entry dated 04.01.2025 bearing No.7608928 by giving effect to the Out of Charge dated 18.01.2025 in No. 2061422442, without insisting for any other charges either towards demurrage or other charges based on the petitioner's representation dated 24.02.2025 to the 3rd respondent.

2. The petitioner claims that only after being satisfied with the documents submitted by the petitioner and the payment received from the petitioner towards the applicable customs duty, the Out of charge was issued



by the respondent authorities with respect to the goods pertaining to the Bill of Entry dated 04.01.2025 bearing No.7608928.

3. According to the petitioner, irrelevant documents were sought for by the respondent. According to the petitioner, the same is not applicable to their goods as the items imported by them are utilised only as accessories and they are not a seller in the market. The petitioner has given a representation on 24.02.2025 to the 3rd respondent, requesting for immediate release of the goods covered under the Bill of entry dated 04.01.2025 bearing No.7608928 by giving effect to the Out of Charge dated 18.01.2025 in No. 2061422442, without insisting for any other charges either towards demurrage or other charges.

4. Admittedly, the representation is yet to be considered. The petitioner also requires the equipments imported by them for their hospital and the petitioner claims that it is an emergent requirement. No prejudice would be caused to the respondents if the petitioner's representation as referred to supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.

5. Being hospital equipments, necessarily, the respondents will have to consider the request of the petitioner within a short time. Accordingly,



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this Writ Petition is disposed of by directing the 3rd respondent to pass a final order on the petitioner's representation dated 24.02.2025 seeking for release of the goods imported by the petitioner Trust under Bill of entry dated 04.01.2025 bearing No.7608928 by giving effect to the Out of Charge dated 18.01.2025 in No. 2061422442, without insisting for any other charges either towards demurrage or other charges, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the contentions raised by the petitioner and it is for the respondents to consider the same on merits. No costs. Consequently, connected miscellaneous petition is closed.

04.03.2025

vsi

Index : Yes / No

Internet : Yes / No

Note: Issue order copy today



To
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O/o The Commissioner of Customs (Imports)
Air Cargo Complex,
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3. The Deputy Commissioner of Customs,
O/o The Deputy Commissioner of Customs,
SIIB Department, Air Cargo Complex,
Meenambakkam,
Chennai - 600 027.



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ABDUL QUDDHOSE,J.
vsi

W.P.No.7532 of 2025

04.03.2025