



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 20678 of 2022

M/s.K.N.K.Impex
Rep. by its Authorized Signatory,
Mr.S.Baskar, No.151, Swami Naicken
Street, Chintadaripet, Chennai-600 002.

Petitioner(s)

.Vs.

1. Assistant Commissioner of Customs
(Disposal)
Office of the Commissioner of
Customs, Customs House, New
Harbour Estate, Tuticorin-628 004.

2.M/s.Maersk Line India Pvt., Ltd.,
Rep. by its Managing Director,
3rd Floor, Prestige Palladium Bayan,
Greens Road, Chennai-600 006.

3.The Manager
M/s.Hari Container Freight Station,
No.4/29E, Madurai Bye-Pass Road,
Tuticorin-628 006.

Respondent(s)



PRAYER

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent not to issue "No Objection Certificate" for disposal of consignment in two containers in Bill of entry No. 7368366 dated 04-02-2022 (Container No. TEMU5542247 and CAIU6261739) of 2 x 20 HC container loaded with 32 Tons of Rose Quartz, 10 tons of Rough White Quartz and 5 Tons of Sea Shells total value of US Dollar 19,910/- which is totally equivalent to Indian Rupees 14,76,326/-.

For Petitioner(s): A.M.D.Mohamed Salih Hussain

For Respondent(s): Mr.M.Santhanaraman
Senior Standing Counsel for R1

M/s. P.Giridharan for R2

No appearance for R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent not to issue no objection certificate for disposal of the consignment in two containers.

2.When this writ petition came up for hearing on 12.08.2022, this Court

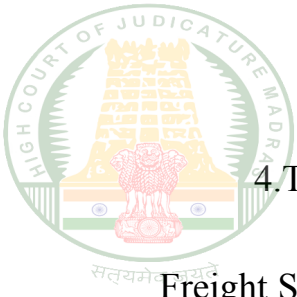


directed the 1st respondent to deal with the representation made by the petitioner on 06.06.2022 and to take a decision.

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3.The 2nd respondent has filed a counter affidavit. The 2nd respondent has taken a stand that the petitioner is an importer. He approached the 2nd respondent to effect a shipment to Tuticorin and accordingly, the 2nd respondent had issued booking confirmation and had generated the bill of lading. The details of several bookings are provided at para 9 of the counter affidavit and the same is extracted hereunder:

9. It is submitted that an exporter had approached the 2nd Respondent's counterpart in Mozambique to effect a shipment to Tuticorin, India and accordingly, the 2nd Respondent's counterpart had issued booking confirmation No. IKT283863 dated 14.09.2021. Thereafter, several amendments were made to the bookings that were placed by the Petitioner and accordingly the 2nd Respondent's counterpart in Mozambique had issued several booking amendments dated 27.09.2021, 01.10.2021, 19.10.2021, 08.11.2021, 15.11.2021 and 08.12.2021 respectively. These amendments were made at the instance of the shipper in Mozambique (who has supplied goods to the petitioner). In all of the booking amendments, the port of discharge was clearly mentioned as Tuticorin.



4. The goods have been ultimately stacked in the 3rd respondent Container Freight Station, Tuticorin. The 3rd respondent was taking steps for bringing the goods for public auction under Section 48 of the Customs Act, 1962. In the said process, the 3rd respondent had approached the 1st respondent seeking for No Objection Certificate. Immediately after coming know of the same, the petitioner seems to have moved the present writ petition before this Court.

5. In the considered view of this Court, the writ petition that has been filed before the Principal Bench is not maintainable since the goods are admittedly lying at Tuticoin. The direction is also sought for against the official viz., the Assistant Commissioner of Customs (Disposal), Tuticoin. Therefore, this writ petition ought not to have been entertained in the Principal Bench.

6. In any case, the direction that was issued by this Court on 12.08.2022 has been complied with and the petitioner has been informed through communication dated 23.09.2022 about the decision taken to proceed further under Section 48 of the Customs Act, 1962.



7. In the result, this writ petition stands dismissed. There shall be no order

as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Assistant Commissioner of Customs
(Disposal)

Office of the Commissioner of Customs,
Customs House, New Harbour Estate,
Tuticorin-628 004.

2. M/s. Maersk Line India Pvt., Ltd.,
Rep. by its Managing Director, 3rd Floor,
Prestige Palladium Bayan, Greams Road,
Chennai-600 006.

3. The Manager

M/s. Hari Container Freight Station,
No. 4/29E, Madurai Bye-Pass Road,
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N.ANAND VENKATESH J.

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