



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 33037 of 2025

AND

WMP NOs. 37071 and 37070 OF 2025

1. M/s Minha And Riza Agro,
Rep By Its Managing Partner
Mohammad Umar Shamsi, Near
Maidan Wali Masjid, No 111/F6,
Rafatpura, Moradabad,
Uttar Pradesh

Petitioner(s)

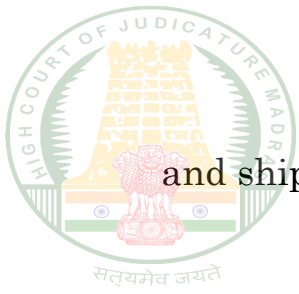
Vs

Joint Commissioner Of Customs
IV,
Customs House, No 60, Rajaji
Salai, Chennai 1

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of Certiorarified Mandamus to call for the records in order In original No 113840 / 2025 dated 04.07.2025 and quash the same as illegal incompetent and wholly without jurisdiction and further direct the respondent to release the perishable goods that are subject matter of the shipping Bill No 3866189, 3866248 dated 12.08.2024



and shipping Bill No 3896458 dated 10.09.2024.

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For Petitioner(s): Mr.S.Rishab Narayanan
For Mr.G.Meganthan
Respondent(s): Standing counsel

ORDER

This writ petition has been filed challenging the proceedings of the respondent dated 04.07.2025 on the ground that it is illegal and wholly without jurisdiction and for a consequential direction to release the perishable goods that are subject matter of the Shipping Bill Nos.3866189, 3866248 dated 12.08.2024.

2. Heard Mr.S.Rishab Narayanan, learned counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner is a meat exporter. The specific case of the petitioner is that they received an export order for “Indian Halal Frozen Boneless Buffalo Meat” from customers in United Arab Emirates(UAE) and other countries. The consignments were processed and packed at an approved slaughter house in Andhrapradesh, which were certified by the concerned Departments at Telangana and it was certified that it is fit for export. Based on



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this certification, shipping bills were filed and the goods were made ready for export. However, the goods were withheld citing certain instructions received from unknown source. Thereafter, it is alleged that a sampling was conducted and it was found that the petitioner instead of exporting buffalo meat had infact attempted to export Ox/Bull meat.

4. The above resulted in the proceedings initiated by the respondent. The respondent has passed a detailed order and has come to a conclusion that the petitioner had wilfully tried to export prohibited goods and the petitioner did not avail the opportunity for re-testing the goods even after the receipt of the test report. Accordingly, the respondent has concluded that penalty has to be imposed against the petitioner and the impugned goods will have to be seized. It is under these circumstances, the present writ petition came to be filed before this Court.

5. This Court has carefully considered the submissions made on either side and the materials available on record.



6. One of the main ground that was raised by the learned counsel for the petitioner is that the so called sample was taken even without the presence of the petitioner which is in total violation of Section 144 of the Customs Act. Thus, according to the petitioner, the very genesis of the impugned order has kick-started from illegal samples that were taken by the authorities without the presence of the petitioner. It is further contended that the goods involved are perishable goods and the petitioner will be put to irreparable loss and hardship if the goods are not immediately released.

7. On carefully going through the order passed by the respondent, it is seen that the respondent has given various reasons as to why the impugned goods must be confiscated and the penalty must be imposed against the petitioner. This Court does not find any error of law apparent on the face of the order, warranting the interference of this Court. This Court consciously is not inclined to render any finding on those grounds that have been raised by the petitioner since the petitioner has an efficacious alternative remedy of either filing an appeal before the Commissioner of Customs (Appeals) or before the Commissioner (Appeals) and any such finding will have a bearing when the appellate remedy is invoked by the



petitioner.

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8. In view of the above, this Court is not inclined to exercise its discretion under Article 226 of the Constitution of India and it is left open to the petitioner to avail the appellate remedy before the concerned authority. It is also left open to the petitioner to seek for the return of the confiscated goods and if any such application is filed by the petitioner, the said interim application shall be taken up on a priority basis by the authority and orders shall be passed on its own merits and in accordance with law. Except giving the above liberty, no further orders can be passed in this writ petition.

9. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

01-09-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

1. Joint Commissioner Of Customs

IV,

Customs House, No 60 Rajaji

Salai, Chennai 1

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N.ANAND VENKATESH J.
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