



W.P.No.38128 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.38128 of 2024

Sea Bond Warehousing Private Limited,
Rep. by its Director Mr.S.Ravipillai,
Regd. Office:No.111/231, OEC Complex, 2nd Floor,
LinghiCheety Street,
Parrys, Chennai 600 001.

...Petitioner

Vs.

1. The Principal Chief Commissioner of Customs,
Customs House,
60, Rajaji Salai,
Chennai – 600 001.

2. Deputy Commissioner of Customs (Bonds),
Customs House,
60, Rajaji Salai,
Chennai – 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1st and 2nd respondents to give Clearance of the consignments / cargos of our customers / importers as stated in



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the petitioners representation dated 16.08.2024 in accordance with Customs Act, 1962.

For Petitioner : Mr.J.Nandagopal
For Respondents : Mr.J.Vasu
Standing Counsel

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed praying for a writ of Mandamus to direct the 1st and 2nd respondents to give Clearance of the consignments/cargos of our customers/importers as stated in the petitioner's representation dated 16.08.2024 in accordance with Customs Act, 1962.

3. The petitioner is a public bonded warehouse operator. It is submitted that the consignment imported from various countries, through shipment before clearance used to be stored in the petitioner's bonded warehouse and importers used to pay the warehouse charges till the customs clearance and movement of cargo from the petitioner's warehouse. It is submitted that the cargo and



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consignments stored in the petitioner's premises was badly affected due to the flood sometime in December 2023.

4. It is submitted that the consignment were damaged due to flood and may not be fit for reuse. In terms of Section 49 of the Customs Act, the petitioner had submitted its representation dated 16.08.2024 to the first respondent to take immediate action to pass appropriate orders to clear the consignment of the above said importers. However, there is no reply or action on the above representation.

4.1. The petitioner had once again submitted its reminder on 04.10.2024, however, there has been gross inaction on the part of the first respondent inasmuch as the representation dated 16.08.2024 nor the reminder dated 04.10.2024 are yet to be considered.

5. Mr.J.Vasu, learned Standing Counsel takes notice on behalf of the respondents would submit that the representation of the petitioner dated 16.08.2024 would be considered by the first respondent and orders passed within a period of 4 weeks from the date of receipt of a copy of this order.



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6. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent or the appropriate authority to consider the petitioner's representation dated 16.08.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.

7. With the above directions, the writ petition stands disposed of. No costs.

02.01.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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MOHAMMED SHAFFIQ, J.

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To

1. The Principal Chief Commissioner of Customs,
Customs House,
60, Rajaji Salai,
Chennai – 600 001.
2. Deputy Commissioner of Customs (Bonds),
Customs House,
60, Rajaji Salai,
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