



W.P.(MD) No.661 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.661 of 2025
and
W.M.P.(MD) No.455 of 2025**

M/S.Woodland Import and Export,
3/51, Thirunanthikarai,
Kulasekaram,
Kanyakumari District 629 161,
through its Proprietor,
A.Najeeb

... Petitioner

/vs./

- 1.The Commissioner of Customs,
Customs House,
New Harbour Estate,
Tuticorin District.
- 2.The Assistant Commissioner of Customs,
Customs House Import (C&F),
New Harbour Estate,
Tuticorin District.
- 3.M/S.Fathima Cashews,
Kanakavila Puthen,
College Nagar, Karicode, Kililolloor,



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Kollam 691 004.

Kerala State, Through its Proprietor,
Riyaz

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the Respondents 1 and 2 from issuing permission of clearance for removal of the goods in bill of lading Numbers.ONEYLOSE03685300 and ONEYLOSE03685301 with booking Numbers.LOSE03685300 and LOSE03685301 respectively for further processing from the Port in favour of the above named 3rd Respondent or any other third party on the basis of the petitioner's representation dated 01.01.2025.

For Petitioner : Mr.B.N.Raja Mohamed
For R1 & R2 : Mr.N.Dilip Kumar

ORDER

The writ petition has been filed forbearing the respondents 1 and 2 from issuing permission of clearance for removal of the goods in bill of lading Numbers.ONEYLOSE03685300 and ONEYLOSE03685301 with booking Numbers.LOSE03685300 and LOSE03685301 respectively for further processing from the port in favour of the above named third respondent or any other third party on the basis of the petitioner's representation dated 01.01.2025.

2. The learned counsel for the petitioner would submit that the third



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respondent being the importer of the goods have entered into an agreement with the petitioner for the sale of said cashews. They had also made huge payments to the third respondent, but however after the import of the cashews, the third respondent is attempting to deny the benefits of the contract that he had entered with the petitioner. Hence, he had approached this Court seeking for a Mandamus to forbear the respondents 1 and 2 from in any manner releasing the goods that had been imported. He had relied upon the provisions of Chapter VII of the Customs Act, 1962 to contend that the authority can have restrictions on the custody and removal of the imported goods. Hence, he would seek a direction to be issued to the official respondents not to permit the third respondent to remove the goods.

3. The learned counsel appearing for the respondents 1 and 2 would submit that the said Chapter cannot be taken advantage of by the petitioner to resolve the private dispute between the petitioner and the third respondent. He would further submit that Section 45 of the Act can only be invoked, when it is found that the goods were misdeclared, a prohibited item or the same is not fit for human consumption. He would further submit that if the importer complies with the



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provisions of the Customs Act, 1962, it is the duty of the official respondents to permit removal of the goods.

4. I have considered the submissions made by the learned counsel on either side.

5. As rightly pointed out by the learned counsel for the respondents, the petitioner cannot take the aid of Chapter VII of the Customs Act, 1962, to seek civil relief against the third respondent. It is for the petitioner to workout their rights before the appropriate civil Court in the manner known to law to remedy their grievances.

6. With such liberty, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
mm

09.01.2025



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K.KUMARESH BABU, J.

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