



W.P.(MD)No.12422 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12422 of 2025

Prabhu Shipping System,
Rep. by its Authorized Signatory, Prabhu,
2/5A, 1st Street, Sivanthakulam,
Tuticorin - 628 003.

... Petitioner

-VS-

The Commissioner of Customs,
CBLR Section, Customs House,
Tuticorin.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit the petitioner to continue his business (C and F) in the name of Prabhu Shipping System based on his representations dated 25.09.2020 and 16.02.2025, within a time frame as fixed by this Court.

For Petitioner : Mr.S.Alagusundar

For Respondent : Mr.N.Dilip Kumar
Senior Standing Counsel



W.P.(MD)No.12422 of 2025

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the respondent to permit the petitioner to continue his business (C and F) in the name of Prabhu Shipping System based on his representations dated 02.12.2024 and 16.02.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Seeking permission to continue his business [C and F] in the name of Prabhu Shipping System, the petitioner submitted representations dated 02.12.2024 and 16.02.2025 to the respondent. As the said representations have not been considered till date, the petitioner has been constrained to file the present Writ Petition.

4. Heard both sides.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the



W.P.(MD)No.12422 of 2025

representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representations dated 02.12.2024 and 16.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

29.04.2025



W.P.(MD)No.12422 of 2025

To:-
WEB COPY

The Commissioner of Customs,
CBLR Section, Customs House,
Tuticorin.



WEB COPY



W.P.(MD)No.12422 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.12422 of 2025

29.04.2025