



W.A.(MD)No.1244 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1244 of 2019

and

C.M.P(MD)No.10684 of 2019

The Commissioner of Customs,
Customs House,
New Harbour Estate,
Tuticorin – 628 004.

... Appellant /
Respondent

Vs.

T.Shanmugasundaram

... Respondent /
Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 26.07.2018 passed in W.P(MD)No.15587 of 2016 by allowing the Writ Appeal.

For Appellant : Mr.R.Nandakumar
Senior Standing Counsel

For Respondent : Mr.M.Hari Vishwanaath



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JUDGMENT

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(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2.The writ petitioner / respondent herein was granted customs brokers license. It was cancelled vide order dated 27.07.2016. Challenging the same, W.P(MD)No.15587 of 2016 was filed. The learned Judge noted that for some other offence committed by the licensee is customs house agent license had already been cancelled vide order dated 28.04.2016. In other words, the writ petitioner's license had already been revoked. In this background, the writ petition was disposed of in the following terms:

“3. The authority passed the above impugned order conscious of developments, which had taken place in the previous proceedings and very much aware that the said licence which is now revoked has already been revoked and the security deposit also was forfeited. In other words, by the impugned order is passed in a proceedings which stood abated in view of the previous order and against a non-est document. The authority has mechanically passed the order with a view to complete the



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formality. Such an order, which is setting aside the non-existing licence is meaningless and farce in law. In such circumstances, the Order-in-original in No. 09/2016 dated 27.07.2016 is also not legally sustainable in the eye of law. Accordingly, the impugned order is set aside. However, it is made clear that the offenders shall not go scot-free taking shelter under technicalities. Therefore, liberty is granted to the respondent to take appropriate action at appropriate time, in accordance with law.”

We are of the view that the question of filing a Writ Appeal against such an order does not arise at all. Only if the writ petitioner was having a subsisting license, the question of revoking the same would arise. Such a license had already been revoked; the question of revoking a revoked license does not arise at all. Therefore, we do not find any ground to interfere.

3.This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
12.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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