



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 29TH DAY OF MAY 2025 / 8TH JYAISHTA, 1947

WP(C) NO. 19159 OF 2025

PETITIONER:

M/S.VARSHA FRESH MEAT PRODUCTS PRIVATE LIMITED,
OFFICE AT XI/957, M.PUDUR, MUTHALMADA P.O.,
GOVINDAPURAM, PALAKKAD DISTRICT, KERALA,
REPRESENTED BY ITS MANAGER, R. ALAIRAJ,
PIN - 678507

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM
MINNU DARWIN
RESHMA RAJESH

RESPONDENTS:

- 1 THE COMMISSIONER OF CUSTOMS (PREVENTIVE),
5TH FLOOR, CATHOLIC CENTRE BROADWAY,
ERNAKULAM, PIN - 682031
- 2 THE ADDITIONAL COMMISSIONER OF CUSTOMS
(PREVENTIVE), 5TH FLOOR, CATHOLIC CENTRE
BROADWAY, ERNAKULAM, KOCHI, PIN - 682031



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

2

- 3 THE ASSISTANT COMMISSIONER OF CUSTOMS
(PREVENTIVE), 5TH FLOOR, CATHOLIC CENTRE
BROADWAY, ERNAKULAM, KOCHI, PIN - 682031
- 4 THE SUPERINTENDENT/SENIOR INTELLIGENCE OFFICER,
OFFICE OF THE COMMISSIONER OF CUSTOMS
(PREVENTIVE), 5TH FLOOR, CATHOLIC CENTRE
BROADWAY, ERNAKULAM, KOCHI, PIN - 682031
- 5 THE COMMISSIONER OF CUSTOMS,
CUSTOMS HOUSE, KOCHI, ERNAKULAM,
PIN - 682009
- 6 THE ADDITIONAL COMMISSIONER OF CUSTOMS,
CUSTOMS HOUSE, KOCHI, ERNAKULAM,
PIN - 682009
- 7 THE DEPUTY COMMISSIONER OF CUSTOMS,
CUSTOMS HOUSE, KOCHI, ERNAKULAM,
PIN - 682009

BY ADV
ADV. P.G. JAYASHANKAR, SC
SHRI.P.R. SREEJITH, SC
SHRI.JOY THATTIL ITTOOP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.05.2025, ALONG WITH WP(C).7930/2025,
19032/2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 29TH DAY OF MAY 2025 / 8TH JYAISHTA, 1947

WP(C) NO. 7930 OF 2025

PETITIONERS:

WESTSHIP LOGISTICS PVT LTD.
2/349, NATIONAL WATERWAYS ROAD, KANNADIKADU,
MARUDU P.O, COCHIN
REP BY ITS GENERAL MANAGER MR. P.A ASRUDEEN.,
PIN - 682304

BY ADVS.
JOY THATTIL ITTOOP
BIJISH B.TOM
UTHARA A.S
KRISHNA KUMAR T.K.
BABY SONIA
MEGHA JOSEPH
GOVIND VIJAYAKUMARAN NAIR
KARUN MAHESH
NEVIS CASSANDRA L CAXTON LORETTA
ROSHNI MANUEL



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

4

RESPONDENTS:

- 1 **UNION OF INDIA
REP BY SECRETARY (REVENUE),
MINISTRY OF FINANCE, 128-A, NORTH BLOCK,
CENTRAL SECRETARIAT, NEW DELHI,
PIN - 110001**

- 2 **THE COMMISSIONER OF CUSTOMS
CUSTOM HOUSE, WILLINGTON ISLAND,
COCHIN, PIN - 682009**

- 3 **THE SUPERINTENDENT
HPU, SIIB, CCP,
OFFICE OF THE COMMISSIONER OF CUSTOMS
(PREVENTIVE) 5TH FLOOR,
CATHOLIC CENTER, BORADWAY, COCHIN,
PIN - 682031**

- 4 **CHAKIAT AGENCIES
SUBRAMANIAN ROAD,
WILLINGDON ISLAND, COCHIN
REPRESENTED BY ITS MANAGING PARTNER.,
PIN - 682003**

- 5 **M/S MISH OVERSEAS PRIVATE LIMITED
PROVIDENT KENWORTH, INNER RING ROAD,
HYDERABAD, TELANGANA
REP BY ITS MANAGING DIRECTOR,
PIN - 500030**



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

5

BY ADVS.
P.R SREEJITH, SC
ALEXANDER JOSEPH MARKOS
ALIAS M. CHERIAN
K.M.RAPHY(K/542/2012)
BRISTO S PARIYARAM(K/1756/2020)
MINNU DARWIN(K/000631/2023)
RESHMA RAJESH(K/004345/2024)
V.ABRAHAM MARKOS(K/354/1975)
ABRAHAM JOSEPH MARKOS(K/782-D/2012)
ISAAC THOMAS(K/571/2014)
P.G.CHANDAPILLAI ABRAHAM(MAH/002141/2016)
JOHN VITHAYATHIL(K/001877/2021)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 29.05.2025, ALONG WITH WP(C).19159/2025 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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WP(C) NO. 19159 OF 2025 &
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6

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 29TH DAY OF MAY 2025 / 8TH JYAISHTA, 1947

WP(C) NO. 19032 OF 2025

PETITIONER:

MR. MISH OVERSEAS PRIVATE LIMITED,
OFFICE AT 112, SHAHZADI MANDI SADAR BAZAR,
AGRA - 282 001, UTTAR PRADESH HAVING BRANCH
OFFICE AT FLAT NO. 1003 PROVIDENT KENWORTH,
INNER RING ROAD, HYDERABAD, TELANGANA - 500 030
REPRESENTED BY ITS DIRECTOR MOHAMMED FARHAN.

BY ADVS.
ALIAS M.CHERIAN
K.M.RAPHY
BRISTO S PARIYARAM
MINNU DARWIN
RESHMA RAJESH

RESPONDENTS:

- 1 THE COMMISSIONER OF CUSTOMS (PREVENTIVE),
5TH FLOOR, CATHOLIC CENTRE, BROADWAY,
ERNAKULAM, KOCHI, PIN - 682031



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

7

- 2 THE ADDITIONAL COMMISSIONER OF CUSTOMS
(PREVENTIVE), 5TH FLOOR, CATHOLIC CENTRE,
BROADWAY, ERNAKULAM, KOCHI,
PIN - 682031
- 3 THE ASSISTANT COMMISSIONER OF CUSTOMS
(PREVENTIVE), 5TH FLOOR, CATHOLIC CENTRE,
BROADWAY, ERNAKULAM, KOCHI, PIN - 682031
- 4 THE SUPERINTENDENT/SENIOR INTELLIGENCE OFFICER,
OFFICE OF THE COMMISSIONER OF CUSTOMS
(PREVENTIVE), 5TH FLOOR, CATHOLIC CENTRE,
BROADWAY, ERNAKULAM, KOCHI,
PIN - 682031
- 5 THE COMMISSIONER OF CUSTOMS,
CUSTOMS HOUSE, KOCHI, ERNAKULAM,
PIN - 682009
- 6 THE ADDITIONAL COMMISSIONER OF CUSTOMS,
CUSTOMS HOUSE, KOCHI, ERNAKULAM,
PIN - 682009
- 7 THE DEPUTY COMMISSIONER OF CUSTOMS,
CUSTOMS HOUSE, KOCHI, ERNAKULAM,
PIN - 682009
- 8 WESTSHIP LOGISTIC PVT LTD.,
2/349, NATIONAL WATERWAYS ROAD, KANNADIKADU,
MARADU P.O., ERNAKULAM,
REPRESENTED BY ITS GENERAL MANAGER,
PIN - 682304



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

8

BY ADVS.
ADV. P.G. JAYASHANKAR, SC
JOY THATTIL ITTOOP
BIJISH B.TOM(K/000376/2001)
UTHARA A.S(K/514/2019)
GOVIND VIJAYAKUMARAN NAIR(K/375/2016)
BABY SONIA(K/001188/2002)
MEGHA JOSEPH(K/2783/2022)
KARUN MAHESH(K/725/2021)
KRISHNA KUMAR T.K.(MAH/2259/2023)
NEVIS CASSANDRA L CAXTON LORETTA(K/541-F/2006)
ROSHNI MANUEL(K/1198/2010)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.05.2025, ALONG WITH WP(C).19159/2025 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
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2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

9

JUDGMENT

[WP(C) Nos.19159/2025, 7930/2025, 19032/2025]

In all these cases the issue that arises, pertains to the seizure of the consignments of buffalo meat, which were proposed to be exported to a foreign country. On examination, it was found that, there was misdeclaration by the consignor, and it contained certain items which were prohibited to be exported. Therefore, the respective consignments were seized by 4th respondent as per Ext.P3 in W.P(C) No.19032/2025 and Ext.P2 notice in W.P(C) No.19159/2025. Thereafter, confiscation proceedings were initiated and the same are now pending consideration before the authority concerned.

2. Pending consideration of the adjudication process, Ext.P7 notice in W.P(C) No.19032/2025 and Ext.P6 notice in



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

10

W.P(C) No.19159/2025 were issued to the petitioners therein, proposing to dispose of the said properties. It was in those circumstances, the respective petitioners, the consignors, have approached this Court challenging the said notices and also for expediting the adjudication pending before the authority concerned.

3. As far as W.P(C) No.7930/2025 is concerned, that is filed by the Carrier of one of the said consignments, which is the subject matter of WP(C) No.19032/2025. The grievance of the petitioner therein is that, on account of the delay in completing the adjudication process, the containers used for the export are being detained by the authorities concerned and according to the petitioner therein, the authorities ought to have disposed of the article expeditiously and released the containers to the petitioner therein. Necessary reliefs in this



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

11

regard were thus sought by the Carrier in W.P(C) No.7930/2025.

4. When these writ petitions came up for consideration today, the learned Standing Counsel for the Customs, upon instructions submitted that, the adjudication process already initiated in respect of these cases, can be completed within a time frame. It is also submitted that, as the articles which are subject matter of the proceedings are perishable, the same have to be disposed of expeditiously and it can also be done within a time frame. The learned Counsel for the consignor, i.e., the petitioner in W.P(C) No.19159/2025 and W.P(C) No.19032/2025 submits that, the petitioners therein have no objection in disposing of the articles by following the procedure contemplated under the relevant rules as expeditiously as possible. The learned



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

12

Counsel for the petitioners in W.P(C) No.19159/2025 and W.P(C) No.19032/2025 submits that, the petitioners therein are not pursuing the objections submitted by them to the notices for disposal issued by the authorities concerned. In such circumstances, the proceedings for disposal can be continued by authorities concerned.

Thus, after considering all the relevant aspects, I am of the view that, these writ petitions can be disposed of in view of the above submissions and the developments. Accordingly, it is ordered that, the competent officer of the Customs, shall ensure that, the adjudication process is completed, by following the statutory procedure contemplated in this regard, including hearing of the affected parties, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment. As regards the



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

13

disposal of the articles is concerned, it is ordered that, the same shall be completed, by following the procedure, within a period of one month from the date of receipt of a copy of this judgment. It is further directed that, on disposal of the properties as referred to above, the containers shall be released to the petitioner in W.P(C) No.7930/2025 within a period of ten days from the date of the such sale.

**Sd/ -
ZIYAD RAHMAN A.A.
JUDGE**

SCS



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

14

APPENDIX OF WP(C) 7930/2025

PETITIONER EXHIBITS

Exhibit P1 THE TRUE COPY OF THE EMAILS DTD
06.12.2024 ISSUED BY THE 4TH
RESPONDENT TO THE PETITIONER

Exhibit P1 a THE TRUE COPY OF THE EMAILS DTD
06.12.2024 ISSUED BY THE 4TH
RESPONDENT TO THE PETITIONER

Exhibit P1 b THE TRUE COPY OF THE EMAILS DTD
06.12.2024 ISSUED BY THE 4TH
RESPONDENT TO THE PETITIONER

Exhibit P2 THE TRUE COPY OF THE CONTAINER RELEASE
ORDERS DTD 06.12.2024 ISSUED BY THE
PETITIONER IN THE NAME OF THE 5TH
RESPONDENT

Exhibit P2 a THE TRUE COPY OF THE CONTAINER RELEASE
ORDERS DTD 06.12.2024 ISSUED BY THE
PETITIONER IN THE NAME OF THE 5 TH
RESPONDENT

Exhibit P2 b THE TRUE COPY OF THE CONTAINER RELEASE
ORDER DTD 06.12.2024 ISSUED BY THE
PETITIONER IN THE NAME OF THE 5 TH
RESPONDENT

Exhibit P3 THE TRUE COPY OF THE SEIZURE MEMO DTD
26.12.2024 ISSUED BY THE 3RD
RESPONDENT

Exhibit P4 THE TRUE COPY OF THE JUDGEMENT DTD
24.01.2025 IN WPC NO.46821 OF 2024 OF
THIS HON'BLE COURT

Exhibit P5 THE TRUE COPY OF THE ORDER F.NO.
CUS/ASS/MISC/100/2025-EA DTD
29.01.2025 ISSUED BY THE 2 ND
RESPONDENT'S OFFICE.



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

15

APPENDIX OF WP(C) 19032/2025

PETITIONER EXHIBITS

- Exhibit P-1** TRUE COPY OF CERTIFICATE THE SHIPPING BILL SUMMARY BEARING NO. 6413607 DATED 13/12/2024 ISSUED FROM THE OFFICE OF THE CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS, COCHIN.
- Exhibit P-2** TRUE COPY OF THE SHIPPING BILL SUMMARY BEARING NO. 6413949 DATED 13/12/2024 ISSUED FROM THE OFFICE OF THE CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS, COCHIN.
- Exhibit P-3** TRUE COPY OF THE SEIZURE MEMO BEARING NO. VIII/26/32/2024 CCP PREV DATED 26/12/2024 ISSUED BY THE 4TH RESPONDENT.
- Exhibit P-4** TRUE COPY OF SUMMONS NO. VIII/26/32/2024 CCP PREV DATED 26/12/2024 ISSUED TO THE PETITIONER.
- Exhibit P-5** TRUE COPY OF THE ORDER F.NO.CUS/ASS/MISC/100/2025-EA DATED 29/01/2025 ISSUED BY THE 5TH RESPONDENT
- Exhibit P-6** TRUE COPY OF THE ORDER NO.DIN20250458MB000089120 DATED 24/04/2025 ISSUED BY THE 5TH RESPONDENT
- Exhibit P-7** TRUE COPY OF THE NOTICE NO.VIII/26/31/2024 CCP PREV DATED 30/04/2025 ISSUED BY THE 4TH RESPONDENT
- Exhibit P-8** TRUE COPY OF THE OBJECTION DATED 20/05/2025 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT



2025:KER:37379

WP(C) NO. 19032 OF 2025
WP(C) NO. 19159 OF 2025 &
WP(C) NO. 7930 OF 2025

16

APPENDIX OF WP(C) 19159/2025

PETITIONER EXHIBITS

- Exhibit P-1** TRUE COPY OF CERTIFICATE THE SHIPPING BILL SUMMARY BEARING NO. 6388397 DATED 12/12/2024 ISSUED FROM THE OFFICE OF THE CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS, COCHIN.
- Exhibit P-2** TRUE COPY OF THE SEIZURE MEMO BEARING NO. VIII/26/31/2024 CCP PREV DATED 26/12/2024 ISSUED BY THE 4TH RESPONDENT.
- Exhibit P-3** TRUE COPY OF SUMMONS NO. VIII/26/31/2024 CCP PREV DATED 26/12/2024 ISSUED TO THE PETITIONER.
- Exhibit P-4** TRUE COPY OF THE ORDER F.NO.CUS/ASS/MISC/103/2025-EA DATED 29/01/2025 ISSUED BY THE 5TH RESPONDENT
- Exhibit P-5** TRUE COPY OF THE ORDER NO.DIN20250558MB000250405 DATED 07/05/2025 ISSUED BY THE 5TH RESPONDENT.
- Exhibit P-6** TRUE COPY OF THE NOTICE NO.VIII/26/31/2024 CCP PREV DATED 30/04/2025 ISSUED BY THE 4TH RESPONDENT
- Exhibit P-7** TRUE COPY OF THE OBJECTION DATED 03/05/2025 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT