

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 8512 of 2015 (L)

PETITIONER:

**GLOBAL EXPORTS & IMPORTS,
OLAYATHIL (EDATTU), NADACKAL POST,
ERATTUPETTA, KERALA-686 124,
REPRESENTED BY ITS PROPRIETOR SAJI ABRAHAM,
S/O.LATE E.I.ABRAHAM, AGED 48 YEARS,
EDATHU (OLAYATHIL HOUSE), NADACKAL P.O.,
TEEKOY VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.C.HARIDAS

RESPONDENT(S):

- 1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY TO MINISTRY OF COMMERCE
AND INDUSTRY, GOVERNMENT OF INDIA,
GOVERNMENT SECRETARIAT,
NEW DELHI-110 001.**
- 2. DIRECTOR GENERAL OF FOREIGN TRADE,
UDYOG BHAWAN, NEW DELHI-110 001.**
- 3. JOINT DIRECTOR GENERAL OF FOREIGN TRADE,
OFFICE OF THE JOINT DIRECTOR GENERAL OF
FOREIGN TRADE, CHITTOR ROAD, ERNAKULAM,
COCHIN, KERALA-682 011.**

**BY SRI.N.NAGARESH, A S G
BY SRI.SUVIN R.MENON, CGC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 8512 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF CERTIFICATE OF IMPORTER-EXPORTER CODE (IEC)
 DATED 06.07.2001 ISSUED TO THE PETITIONER.**
- EXT.P2: TRUE COPY OF THE REGISTRATION CUM MEMBERSHIP CERTIFICATE
 ISSUED TO THE PETITIONER.**
- EXT.P3: TRUE COPY OF PURCHASE ORDER DATED 05.01.2015 OF
 M/S.MASOUD AL HATIMI, GENERAL TRADING LLC, DUBAI P.O.,
 BOX NO.78360, UAE.**
- EXT.P4: TRUE COPY OF THE ORDER DATED 06.02.2015 OF THE
 2ND RESPONDENT.**
- EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 16.02.2015 OF THE
 PETITIONER.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8512 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) To declare that the petitioner is entitled to get Ext.P5 considered and permission is granted to export 5 tons of shark fin already collected as per Ext.P3 order, prior to the issuance of Ext.P4 order.

ii) To issue a writ of mandamus or any other appropriate writ order or direction to the respondents to permit the petitioner to export the 5 tons of shark fins the petitioner already collected, as against Ext.P3 order, prior to the issuance of Ext.P4.

iii) To issue a writ of mandamus or any other appropriate writ order or direction to the respondents to consider Ext.P5 and take a decision thereon within a time limit prescribed by this Hon'ble Court.

iv) To grant such other reliefs, which this Hon'ble Court deem just and proper in the facts and circumstances of the case, including the cost of the petitioner."

2. The learned counsel for the petitioner points out that, by virtue of Ext.P4 order passed by the 2nd respondent, whereby

export of shark fins has been prohibited, the petitioner has been put to irreparable loss, injuries and hardships, as the petitioner has already invested much amount in procuring sufficient material, pursuant to the supply orders obtained earlier. The said order has been passed quite abruptly and as such, the materials procured pursuant to the orders submitted earlier, prior to the commencement of the said order, have to be considered and rights and liberties should be protected. It is with this intent, that the petitioner has already moved the 2nd respondent by filing Ext.P5 representation. The prayer is to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Assistant Solicitor General of India as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to express any opinion with regard to the merits of the case.

5. After hearing both the sides, the writ petition is disposed of, directing the 2nd respondent to consider Ext.P5, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate within 'six weeks' from the date of receipt of a copy of this

judgment.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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