



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU

W.P (MD) No. 24596 of 2016

and

W.M.P. (MD) No. 17719 of 2016

M/s Karur K.C.P. Packkagings Limited,
rep. By its General Manager, (works)
Mr. T. Madhaiyan
S.F. No. 199-201, Mayanur (post)-639 108,
Krishnarayapuram (Taluk),
Karur District.

.. Petitioner

Vs.

1. The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin - 628 004.

2. The Additional Commissioner of
Customs (Exports),
Custom House, New Harbour Estate,
Tuticorin - 628 004.

3. The Assistant Commissioner of
Customs (Draw Back),
Custom House, New Harbour Estate,
Tuticorin - 628 004.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent herein to Adjudicate and to pass final order/order-in-original pursuant to the show cause notice C.No.VIII/20/1562/2015-DBK dated 21.01.2016 considering the reply dated 15.03.2016 within a reasonable time as fixed by this Honble Court.

For Petitioner : Mr. A. K. Jayaraj

For Respondents : Mr. S. Gurumurthy

ORDER

This writ petition is filed seeking for a direction to the third respondent to adjudicate and pass final order/order-in-original pursuant to the show cause notice in C.No.VIII/20/1562/2015-DBK, dated 21.01.2016.



2.The grievance of the petitioner is that even though they have given their explanation to the show cause notice as early as on 15.03.2016, the third respondent has not passed the final order/order-in-original till this date.

3.Though the petitioner has raised so many grounds in support of their contention on merits of the matter, this Court, at this stage, is not inclined to go into the same and give any finding in view of the fact that it is for the third respondent to pass final order/order-in-original on considering the matter on merits and in accordance with law. The learned standing counsel appearing for the respondents submitted that the final order will be passed within a reasonable time as fixed by this Court.

4.Considering the above stated facts and circumstances and without expressing any view on the merits of the matter, I only direct the third respondent to pass final order/order-in-original in pursuant to the show cause notice in C.No.VIII/20/1562/2015-DBK dated 21.01.2016, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (As)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin - 628 004.

2.The Additional Commissioner of
Customs (Exports),
Custom House, New Harbour Estate,
Tuticorin - 628 004.

3.The Assistant Commissioner of
Customs (Draw Back),
Custom House, New Harbour Estate,
Tuticorin - 628 004.

+1cc to Mr.A.K.Jeyaraj, Advocate, SR.No.83413

+1cc to Mr.S.Gurumoorthy, Advocate, SR.No.83273

W.P (MD) No.24596 of 2016

22.12.2016