

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22914 of 2007

ORDER:

This Writ Petition is filed seeking the following relief:

“to issue a writ, more particularly in the nature of mandamus or any other appropriate order or direction, directing/commanding the respondents herein to forthwith permit the sailing of the Vessel Mv. Ataduru, presently awaiting sailing instructions at Kakinada roads with 27,713.300 MT of bagged rice on board unconditionally while declaring the Notification No.38 (RE-2007)/2004-2009 dated 15.10.2007 issued by the Respondent No.1 insofar as it operates retrospectively from 09/10/2007 as invalid, inoperative, arbitrary and violative of Articles 14 and 19 (1)(g) of the Constitution of India and that the action of the respondents herein as illegal, arbitrary and unsustainable in law..”

Learned counsel for the petitioner submits that the issue involved in this case has been adjudicated in WP.No.22910 of 2007 & batch dated 7.7.2011 and in view of the orders passed in the above said batch of cases, no further orders are necessary in the present case.

The Hon'ble Court was pleaded to dispose of WP.No.22910 of 2007 & batch as infructuous by recording the following:

“Sri P.S.P. Suresh Kumar, learned counsel for respondent Nos.3 and 4, while relying upon the averments contained in the

counter-affidavit filed by respondent No.3, placed before the Court a copy of office memorandum dated 25.10.2007 issued by the Government of India, wherein it is *inter alia* provided as under:

“3. Accordingly the following would be the course of action”-

(ii) Export of rice, brought into port godowns for export till 10.10.2007; as certified by port authorities; may be allowed as laid down vide notification No.43 (RE-2007) by 2004-2009, dated 24.10.2007 (copy enclosed);

(iii) Policy Circular No.15 (RE-07) by 2004-2009 dated 19th Oct., 2007 (copy enclosed) lays down in terms of Para 9.12 of the Handbook of procedures Vol.I (RE-2007) by 2004-2009, that where consignments are already handed over to customs for examination and subsequent exports up to 10.10.2007, the same would be allowed to be exported”

The learned counsel submitted that he has received written instructions on 05.07.2011 that in pursuance of the interim orders granted by this

Court, all the petitioners were allowed to sail out the rice through vessel Mv ATADURU on 03.11.2007. He further submitted that having regard to the above Circular which permits export of the rice brought into port godowns up to 10.10.2007 and also interim order on the strength of which the rice of the petitioners were permitted to be exported, the cause in these writ petitions does not survive for adjudication.”

Since similar issue is raised in the present writ petition, the writ petition has become infructuous as no further cause would survive.

Accordingly, the Writ Petition is disposed of as infructuous.
No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 28/03/2018
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