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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.11.2019
CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH
Writ Petition No.23893 of 2008
and M.P.Nos.1 of 2008 and 2 of 2009

- 1 The Commissioner of Customs
Central Revenue Buildings Queens Road
Bangalore - 1.

.... Petitioner

vs

- 1 M/s.Mysore Sales International Limited (MSIL)
MSIL House opposite HAL Airport
Bangalore - 17.
- 2 M/s.Kataria Impex
(rep. by its Chief Executive Sri Moolchand
Kataria) No.204 Walltax road I floor
Chennai-1.
- 3 M/s.M.L.Automobiles
(rep. by its partner Shri Kamal Kumar Jain)
No.2 old no.10 Byramjung Bahadur 2nd lane
General Patterns Road Chennai.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of writ of mandamus directing the respondents to produce the electronic control units which were subject matter of the auction conducted by the 1st respondent in respect of lot No. 2286 of auction No.45 dated 12.7.2007 and consequently to direct the respondent to cooperate with the investigation of the petitioner department pursuant to the summons issued under section 108 of the Customs Act 1962.



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For Petitioner : Mr.A.P.Srinivas,
Sr. Standing Counsel
For Respondents : Mrs.Elizabeth Seshadri
for M/s.Iyer and Thomas - R1
Mr.B.Sathish sundar - R3
No appearance - R2

O R D E R

The petitioner seeks a mandamus directing the respondents to produce the electronic control units that were subject matter of auction conducted by the first respondent on 12.07.2007.

2. Such a mandamus cannot be granted for two reasons. Firstly, the first respondent is based at Bangalore and hence no cause of action arises before this Court. Secondly, the prayer itself is for putting back the clock which is impossible, insofar as the auction itself has been conducted and the lot sold.

3. Admittedly, the petitioner has issued summons/show cause notices to the respondents for adjudication. Hence, the only remedy, if any available to the petitioner, would be to continue with the adjudication proceedings strictly in accordance with law.

4. With these observations, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

s1

2/3



+1 cc to Mr.A.P.Srinivas Advocate sr92096

+1 cc to Mr.H.Karthik Seshadri Advocate sr 91767

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