

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.22520 of 2005
and
W.M.P.No.24544 of 2005

M/s.Sri Sabari Textiles
rep. by its Proprietor
K.Selvaraj,
No.33, Rajiv Nagar,
Selainaickenpatti,
Salem-636 201.Petitioner

V.

The Joint Commissioner of Customs (Group 7),
Office of the Commissioner of Customs,
Custom House,
No.60, Rajaji Salai,
Chennai-600 007.Respondent

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari,
calling for the records relating to the order of the respondent
dated 15.06.2005 in F.No.S45/FU/SB/MF/5083/2001-GR.7 and to
quash the same.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.A.P.Srinivas

O R D E R

Heard Mr.K.Selvaraj, learned counsel for the petitioner and
Mr.A.P. Srinivas, learned Standing counsel appearing on behalf
of the respondent.

2. The limited ground raised in the present Writ Petition is
that the petitioner herein is not served with the copy of the
Order-in-Original and therefore, the petitioner is unable to
challenge the same.

3. In this context, the learned Standing counsel appearing on behalf of the respondent is directed to get instructions and to file a status report with regard to the service of the Order-in-Original on the petitioner, for which purpose, the matter was adjourned on four occasions.

4. The learned Standing counsel for the respondent submitted that he had already intimated the respondent but not received any instructions. In these circumstances, the submission of the learned counsel for the petitioner that the petitioner has not been served with the copy of the Order-in-Original No.3142/2004-GR.7 can be considered and accordingly, the petitioner is granted liberty to approach the respondent seeking for the Order-in-Original No.3142/2004-GR.7, within a period of one week from the date of receipt of a copy of this order along with a requisition. On receipt of such a requisition, the respondent shall furnish the Order-in-Original to the petitioner, atleast, within a period of 15 days thereafter. Till such time the Order-in-Original is served on the petitioner, the respondent shall refrain from taking any coercive action based on the Order-in-Original.

5. With the above observations and direction, the Writ Petition is disposed of. Consequently connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DP
To

The Joint Commissioner of Customs (Group 7),
Office of the Commissioner of Customs,
Custom House,
No.60, Rajaji Salai,
Chennai-600 007.

+1cc to Mr.K.Selvaraj, Advocate Sr.63414
+1cc to Mr.A.P.Srinivas, Advocate Sr.63000

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and
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ad[co]
srg 28/08/2019