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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.Nos.29108 & 29109 of 2013
and
M.P.Nos.1 & 2 of 2013

M/s.Essar Inc,
Rep. by its Managing Partner,
G.Radhakrishnan,
197, Union Mill Road,
Tirupur - 641604.

...Petitioner in
WP.No.29108 of 2013

M/s.Cee Dee Garments,
Rep. by its Managing Partner,
D.Murthy,
15, Kaliyappa Nagar,
1st Street, Kangayam Road,
Tirupur - 641604.

...Petitioner in
WP.No.29109 of 2013

Vs

1. The Deputy Commissioner of Customs,
Inland Container Depot,
Concot Vidyalayam,
Palladam Main Road,
Veerapandi Post,
Tirupur - 641605.

2. The Commissioner of Customs,
Coimbatore - 18.

...Respondents in
WP.No.29108 of 2013

1. The Deputy Commissioner of Customs,
Container Freight Station,
SF.No.129, Poondi Ring Road,
Chettipalayam,
Tirupur - 641652.



2. The Commissioner of Customs,
Coimbatore.

...Respondents in
WP.No.29109 of 2013

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent to permit the petitioner to export his goods as sufficient proof of realization of the export proceeds have been produced before the 1st respondent.

For Petitioner : Mrs.Ananda Gomathy Sivakumar
(in all WPs)

For Respondents: Mr.A.P.Srinivas, SSC
(in all WPs)

C O M M O N O R D E R

The limited prayer sought for in the present writ petitions is to direct the 1st respondent to permit the petitioners to export their goods as sufficient proof of realization of the export proceeds which have been produced before the 1st respondent.

2. Since the petitioners herein had earlier given representations dated 01.10.2013 (WP.No.21908/13) and 09.10.2013 (WP.No.21909/13) and in view of the fact that the 1st respondent had not considered their representations, the present writ petitions came to be filed.

3. In my view, a direction to the 1st respondent to consider a representation made in the year 2013, will not be appropriate at this point of time. There is a possibility that the matter could have been settled otherwise and the prayer in the representations could have become redundant. Nevertheless, if the grievance of the petitioners still continues, by granting liberty to give a fresh representation, the ends of justice would be secured.

4. In the light of the above observations, the petitioners are granted liberty to make a fresh representation, if they desire so, to the 1st respondent and on receipt of such a representation, the 1st respondent shall dispose of the same, on its own merits and in accordance with law, as expeditiously as possible.



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5. Accordingly, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

hvk

To

1. The Deputy Commissioner of Customs,
Inland Container Depot,
Concot Vidyalayam,
Palladam Main Road,
Veerapandi Post,
Tirupur - 641605.
2. The Deputy Commissioner of Customs,
Container Freight Station,
SF.No.129, Poondi Ring Road,
Chettipalayam,
Tirupur - 641652.
3. The Commissioner of Customs,
Coimbatore.

+1cc to Mr.A.P.Srinivas , Advocate SR.No.61371

+2cc to Mr.Mrs.Ananda Gomathy, Advocate SR.No.60487

W.P.Nos.29108 & 29109 of 2013
and
M.P.Nos.1 & 2 of 2013

VBA (CO)
GMY (20/08/2019)