



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) .No.22625 of 2019

K.Periyasamy

... Petitioner

vs.

1) Union of India,
Rep. by its Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi 110 001

2) The Narcotic Commissioner,
Central Bureau of Narcotics,
Ministry of Finance/ Department of Revenue,
19th Mall, Morar, Gwalior,
Madhya Pradesh 474 006

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to consider the petitioner's application dated 27.09.2019 and register the sales import contract to import 90MT of poppy seeds from Turkey as registered with Turkey Grain Board (TMO).

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.V.Kathirvelu,
Assistant Solicitor General,
Assisted by Mr.M.Kannan

O R D E R

The petitioner is the proprietor of M/s.APK Impex at Thoothukudi and he has registered his Firm with Director General of Foreign Trade(DGFT) for the purpose of import of goods and also with the Bureau of Narcotics, for the purpose of import of poppy seeds under Registration No.193/CBN/Poppyseeds/2015-16.

2. As per the MoU (Memorandum of Understanding) entered into between the Government of India and the Turkish Government to import the poppy seeds, a notification in this regard was issued on



23.05.2018. Pursuant to the same, the petitioner has arranged for the import of 90MT of poppy seeds and he has sought for permission from the second respondent/Central Bureau of Narcotics to import the said poppy seeds from the exporter. However, the same is pending without being processed due to a legal impediment.

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3. Mr.V.Kathirvelu, learned Assistant Solicitor General, appearing for the respondents, produced a letter of the second respondent, dated 24.10.2019, with regard to the said legal impediment.

4. The learned counsel for the petitioner would submit that out of 18,000 MT which was proposed to be imported, already 17,000 MT has been imported and remaining 1,000 MT is pending. The petitioner has sought permission to register the sales import contract to import 90MT of poppy seeds from Turkey as registered with Turkey Grain Board (TMO). Since the said application is not processed, he seeks for a direction to the second respondent to process the same.

5. The learned counsel for the petitioner further submits that the poppy seeds are perishable item and unless his import application is processed by the second respondent, it will cause great hardship and repairable loss to the petitioner.

6. Considering the limited prayer sought for by the petitioner, there will be a direction to the second respondent/ Central Bureau of Narcotics to process the application of the petitioner after satisfying compliance of all legal requirements and the legal impediment stated by the Additional Solicitor General, within a period of ten(10) days from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Writs)

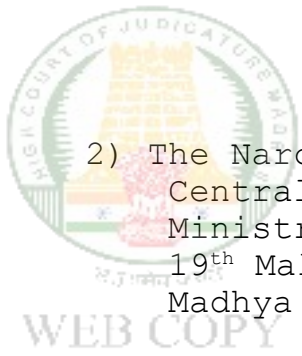
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Sub Assistant Registrar

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To

- 1) The Secretary,
Union of India,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi 110 001



2) The Narcotic Commissioner,
Central Bureau of Narcotics,
Ministry of Finance/ Department of Revenue,
19th Mall, Morar, Gwalior,
Madhya Pradesh 474 006

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-94294[F] dated
24/10/2019)

Order made in
W.P. (MD) .No.22625 of 2019

Dated:
24.10.2019

JM/24.10.2019/3P/4C