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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8701 OF 2022

Prakash Overseas

....Petitioner

V/s.

Union of India and Ors.

...Respondents

Mr. Manoj Harit a/w Mr. Mohammed Asim i/b Mr. Manoj Harit & Co. for
Petitioner.

Mr. J.B. Mishra a/w Ms. Sangeeta Yadv for Respondents.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.
DATED : 22nd JULY, 2022**

P.C. :

1. Mr. Mishra states that affidavit in reply is ready. For
completion of record, Registry to take the same on record.

2. One of the prayer in the petition, i.e., prayer clause (b) reads as
under:-

“(b) this Hon’ble Court be pleased to issue a writ of prohibition or a writ in the nature of prohibition or any other appropriate writ or order or direction under Article 226 of the Constitution of India restraining the Respondents themselves, their officers, subordinates, servants and agents from proceeding with the investigation in connection with import and export of chick-peas by the Petitioner against Advance Authorisation and/or forcing the Petitioner to pay amounts towards customs duty without following the due process of law.”

3. Mr. Mishra states that respondents, in every case follow the due
process of law.

4. We are not inclined to consider any of the reliefs otherwise sought because it is too premature for the court to consider the same.

5. Mr. Harit states that even the show-cause-notice has not been issued for a long time despite the first summons having been issued on 31.01.2020.

6. The petition is hereby disposed with direction to respondents that the concerned officer / authority shall issue a show-cause-notice to petitioner within four weeks from today. Respondents are also cautioned that no further extension shall be granted for issuance of the show-cause-notice.

7. We make it clear that we have not made any observations on the merits of the matter.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)