



W.P(MD)No.6394 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6394 of 2022

and

W.M.P(MD)No.4984 of 2022

M/s.Kings International Limited,
(Formerly “M/s.Kings Aqua Marine Exports Ltd.”)
Unit B-7, Tuticorin Co-operative Industrial Estate,
Korampallam Post,
Tuticorin 628 101.
Represented by
Mr.Balagopalan Veliyath

... Petitioner

Vs

- 1.The Marine Products Export Development Authority,
Sub-Regional Division,
Represented by
The Deputy Director,
Tuticorin – 628 003.
- 2.The Deputy Director General of Foreign Trade,
Plot No.117, First Main Road,
K.K.Nagar,
Madurai – 625 020.
- 3.The Joint Commissioner of Customs,
Customs House,
New Harbour Estate,
Thoothukudi – 628 004.



W.P(MD)No.6394 of 2022

4.The Assistant Commissioner of Customs,
Customs House,
New Harbour Estate,
Thoothukudi – 628 004.

5.The Deputy Director,
Export Inspection Agency,
No.271, Aishwariya Towers,
Sivanthakulam Road,
Thoothukudi – 628 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned Memorandum under Ref No.TN2-REGN/GEN(EXP)/2020/1253 dated 30.03.2022 of the first Respondent, issued under Rule 43 of the Marine Products Export Development Authority Rules, 1972, cancelling the Registration of the entities of the Petitioner-Company and quash the same and consequently directing the first respondent to restore the Registration Certificates pertaining to the entities of the Petitioner-Company, considering the Representation of the Petitioner-Company.

For Petitioner : Mr.D.Srinivasa Raghavan
for Mr.Rathina Asohan

For Respondents : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates for R.1

Mr.R..Murugappan for R.2

Mr.N.Dilip Kumar for R.3 & R.4



W.P(MD)No.6394 of 2022

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Senior counsel appearing for the first respondent.

2. The first respondent had originally issued show cause notice dated 02.02.2022 to the petitioner calling upon the petitioner to show cause as to why the entities mentioned in the show cause notice should not be de-registered. The petitioner had sought more time to respond. Without considering the said request, the impugned order had been straightaway passed. Questioning the same, the present writ petition has been filed.

3. When the matter was taken up for hearing, the learned Senior Counsel on instructions submitted that the first respondent proposes to withdraw not only the impugned memorandum dated 30.03.2022 but also earlier show cause notice dated 02.02.2022. Recording the submission made by the learned Senior Counsel, the impugned order is set aside.

4. The writ petition is allowed on these terms : The first respondent shall issue fresh show cause notice to the petitioner within a period of two weeks from today (09.12.2022). The writ petitioner shall give their explanation within a period of four weeks thereafter. It is open to the first respondent to



W.P(MD)No.6394 of 2022

pass order one way or the other. I make it clear that all the contentions of the writ petitioner including jurisdiction are left open. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2022

Index : Yes / No

Internet : Yes/ No

mga

Note: Issue order Copy on 12.12.2022.

To

- 1.The Deputy Director,
Marine Products Export Development Authority,
Sub-Regional Division,
Tuticorin – 628 003.
- 2.The Deputy Director General of Foreign Trade,
Plot No.117, First Main Road,
K.K.Nagar,
Madurai – 625 020.
- 3.The Joint Commissioner of Customs,
Customs House,
New Harbour Estate,
Thoothukudi – 628 004.
- 4.The Assistant Commissioner of Customs,
Customs House,
New Harbour Estate,
Thoothukudi – 628 004.
- 5.The Deputy Director,
Export Inspection Agency,
No.271, Aishwariya Towers,
Sivanthakulam Road,
Thoothukudi – 628 003.



WEB COPY



W.P(MD)No.6394 of 2022

G.R.SWAMINATHAN, J.

mga

W.P(MD)No.6394 of 2022

and

W.M.P(MD)No.4984 of 2022

09.12.2022