



W.P.No.19731 of 2018

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.19731 of 2018
and
W.M.P.No.23175 of 2018

M/s.Surya Garments,
Rep. By its Proprietor Shri M.Loganathan,
No.62, Theyagappa Chetty Street,
Korukkupet, Chennai – 600 021.

...Petitioner

Vs.

1.The Join Director General of Foreign Trade,
Office of the Directorate General of Foreign Trade,
Zonal Office, Shastri Bhawan,
No.26, Haddows Road, Chennai – 600 006.

2.The Tahsildhar,
Tondiarpet Taluk,
Tondiarpet, Chennai – 600 081.

3.The Revenue Inspector,
Tondiarpet Taluk,
Tondiarpet, Chennai – 600 081.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the first respondent to provide copies of the relevant records relating to File



W.P.No.19731 of 2018

No.I(386)/2002/D.Qr.ECA/CHE and after giving an opportunity of hearing to the petitioner firm.

For Petitioner : Ms.J.Ragini for Mr.S.Murugappan
For Respondents : Ms.M.E.Saraswathy
Special Government Pleader for R1
Mr.M.Muthusamy
Government Advocate for R2 & R3

ORDER

This Writ Petition has been filed in the nature of mandamus seeking a direction to the 1st respondent, Joint Director General of Foreign Trade, Office of the Directorate General of Foreign Trade, Zonal Office, Chennai to provide copies with the relevant records relating to File No.I(386)/2002/D.Qr.ECA/CHE after providing opportunity of hearing to the petitioner firm.

2.The deponent of the affidavit filed in support of the Writ Petition was the Proprietor of M/s.Surya Garments running at Chennai. During the year 1995-2000, the petitioner had obtained an advance licence under Duty Free Imports Schemes for Duty Free Import of Garment



W.P.No.19731 of 2018

Accessories with respect to relevant custom notifications of the 1st respondent. The petitioner had also imported goods and manufactured textile garments for the purpose of export. Documents relating to export were also given to the officials under the 1st respondent.

3. After submission of the documents, the petitioner did not hear anything further from the 1st respondent. During the year 2000, the manufacturing operations were stopped. In the year 2015, it is claimed that all the documents were washed away by floods. On 28.06.2018, Revenue Officials from Tondiarpet came to the place of the petitioner and attempted to seal the premise for dues of Rs.6,70,962/-. Thereafter, three post dated cheques were issued towards the said amount. The petitioner claimed that exports had been made and relevant documents had been given to the Office of the 1st respondent. The petitioner had sought for production of the said documents. However, the 1st respondent stated that they could not trace the documents. It is under these circumstances that this Writ of Mandamus has been filed seeking documents to be provided to the petitioner herein.

4. Heard Ms.J.Ragini, learned counsel appearing for the petitioner,



W.P.No.19731 of 2018

Ms.M.E.Saraswathy, learned Special Government for the 1st respondent and

Mr.M.Muthusamy, learned Government Advocate for the 2nd respondent.

5.My attention is drawn to the order of a learned Single Judge dated **11.01.2022** made in **W.P.No.37890 of 2015** in **M/s.R.A.Textiles Process (P) Ltd., Vs. Join Director General of Foreign Trade and another**. The said Writ Petition has been filed for certiorarified mandamus seeking examination of the documents already filed with the 2nd respondent and to issue discharge certificate.

6.The learned Single Judge in that particular order had directed that any person aggrieved can file an appeal. The petitioner herein is a person aggrieved and therefore, necessarily should file a statutory appeal as is provided under the rules and regulations. However, the only consideration is that the period for filing of the appeal had already expired. The Writ Petition has however been pending from the year 2018, nearly for four years and more.

7.In view of that particular fact, the time period during which the



W.P.No.19731 of 2018

Writ Petition has been pending before this Court can always be condoned, if necessary application is filed before the appropriate appellate authority. The 1st respondent is under an obligation to take the appeal on record and pass necessary orders particularly, with respect to the documents already processed. The 1st respondent Office now claimed that they do not have the documents. Let them answer that particular aspect also. If the appeal is filed in proper manner on or before 15.02.2023, the period of delay may be condoned by the 1st respondent and the appeal must be taken on record and orders be passed after hearing of the parties.

8.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

11.01.2023

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



W.P.No.19731 of 2018

To:-

WEB COPY

- 1.The Join Director General of Foreign Trade,
Office of the Directorate General of Foreign Trade,
Zonal Office, Shastri Bhawan,
No.26, Haddows Road, Chennai – 600 006.
- 2.The Tahsildhar,
Tondiarpet Taluk,
Tondiarpet, Chennai – 600 081.
- 3.The Revenue Inspector,
Tondiarpet Taluk,
Tondiarpet, Chennai – 600 081.



WEB COPY



W.P.No.19731 of 2018

C.V.KARTHIKEYAN, J.

KKN

W.P.No.19731 of 2018

and

W.M.P.No.23175 of 2018

11.01.2023