



W.P.Nos.7131 & 7721 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.Nos.7131 & 7721 of 2009

M/s. Kailash Enterprises
No.18/B, Street No.7, Friends Colony
Shahdara, Delhi 110 095
Rep. by its Prop. Kailash Chand Jain.

.. Petitioner in
both W.Ps.

Vs.

1. Union of India
Rep. by its Secretary
Ministry of Commerce and Industry
Department of Commerce
Udyog Bhawan, New Delhi 110 001.
2. The Director General of Foreign Trade and
Ex-Officio Additional Secretary to Government
of India
Udhyog Bhawan, New Delhi 110 001.
3. The Commissioner of Customs
(Seaport – Imports), Custom House
No.60, Rajaji Salai
Chennai 600 001.

.. Respondents in
both W.Ps.



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Prayer: Petitions filed under Article 226 of the Constitution of India seeking (i) a writ of Declaration declaring the Proviso in the policy condition to the Notification No.15(RE-2008)/2004-2009 dated 04.06.08, issued by the 2nd respondent restricting the import of betel nut to those of (CIF) value of Rs.35 per kg and above as arbitrary, unconstitutional and in violation of the right guaranteed under the Constitution of India and also beyond the powers of the second respondent; and

(ii) a writ of Declaration declaring the impugned notification No.25(RE-2007) 2004-2009 dated 29.08.2007 issued from File No.01/89/180/0043/AM01/PC-IA of the 2nd respondent as ultra vires, unconstitutional and unenforceable.

For the Petitioner : Mr.B.Sathish Sundar

For the Respondents : Mr.Rajendra Raghavan
SCGSC

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.B.Sathish Sundar, learned counsel for the petitioner and Mr.Rajendra Raghavan, learned Senior Central Government Standing Counsel for the respondents.

2. It is not disputed by learned counsel for both the parties that



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the issue in the present writ petitions is no longer *res integra* and stands conclusively decided by the Division Bench of this Court in W.A.(MD) Nos.396 to 406 of 2009 by judgment dated 28.10.2022.

3. In view of the above, the present writ petitions are also disposed of in terms of the judgment of the Division Bench of this Court referred supra. There shall be no order as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

03.04.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The Secretary

Ministry of Commerce and Industry

Department of Commerce

Udyog Bhawan, New Delhi 110 001.

2. The Director General of Foreign Trade

- Ex-Officio Additional Secretary to Government of India

Udhog Bhawan, New Delhi 110 001.

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THE HON'BLE CHIEF JUSTICE
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J.SATHYA NARAYANA PRASAD, J

(kpl)

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