



W.P.(MD)Nos.2391 and 2393 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.2391 and 2393 of 2015

and

M.P.(MD)Nos.1 and 1 of 2015

W.P.(MD)No.2391 of 2015

S.P.Agencies
Rep. by its Managing Partner,
Tmt. S.Poovammal,
No.51A/10, Masilamani Nagar,
Tirunelveli – 5.

... Petitioner

versus

1. The Director,
Traffic Commercial Trades,
Railway Board,
New Delhi.
2. The General Manager,
Southern Railways,
Chennai.
3. The Divisional Manager,
Southern Railways,
Madurai Division,
Madurai.



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4. Tamil Nadu Ware Housing Corporation,
Rep. by its Managing Director,
No.82, Anna Salai,
Chennai – 32.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents 1 to 3 from levying and collecting demurrage charges or wharfage charges or any other charges with regard to the goods unloaded by the petitioner on behalf of the 4th respondent for the delay in unloading or detention of wagons at Tirunelveli goods shed by taking into account the time from 10 p.m. to 6 a.m. on the succeeding day (i.e., during night hours) and to direct the respondents 1 to 3 to refund the money already collected from the 4th respondent (which is also deducted by the 4th respondent from the amount payable to the petitioner) corresponding to the amount of demurrage or wharfage charges levied for the delay occurred in the unloading/detention of wagons during night hours i.e. from 10 p.m. to 6 a.m. on the succeeding day.

For Petitioner : Mr.Nirajan S.Kumar

For R1 to R3 : Mr.K.R.Laxman

For R4 : No appearance



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... Petitioner

versus

1. The Director,
Traffic Commercial Trades,
Railway Board,
New Delhi.
2. The General Manager,
Southern Railways,
Chennai.
3. The Divisional Manager,
Southern Railways,
Madurai Division,
Madurai.
4. Tamil Nadu Civil Supplies Corporation,
Rep. by its Managing Director,
No.10, Thabmusamy Road,
Kilpauk,
Chennai – 10.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents 1 to 3 from levying and collecting demurrage charges or wharfage charges or any other charges with regard to the goods unloaded by the petitioner on behalf of the 4th respondent for the delay



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in unloading or detention of wagons at Tirunelveli goods shed by taking into account the time from 10 p.m. to 6 a.m. on the succeeding day (i.e., during night hours) and to direct the respondents 1 to 3 to refund the money already collected from the 4th respondent (which is also deducted by the 4th respondent from the amount payable to the petitioner) corresponding to the amount of demurrage or wharfage charges levied for the delay occurred in the unloading/detention of wagons during night hours i.e. from 10 p.m. to 6 a.m. on the succeeding day.

For Petitioner : Mr.Nirajan S.Kumar

For R1 to R3 : Mr.K.R.Laxman

For R4 : Mr.G.Mohankumar

COMMON ORDER

The learned counsel appearing for the petitioners seeks permission of this Court to withdraw these writ petitions. He has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel appearing for the petitioners, these writ petitions are dismissed as



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withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The Director,
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Railway Board,
New Delhi.
2. The General Manager,
Southern Railways,
Chennai.
3. The Divisional Manager,
Southern Railways,
Madurai Division,
Madurai.
4. The Managing Director,
Tamil Nadu Ware Housing Corporation,
No.82, Anna Salai,
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5. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.10, Thabmusamy Road,
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