

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 4052 of 2012 (F)

PETITIONER(S):

**M/S.MADRAS CEMENTS LTD,
RAMA MANDIRAM, RAJAPALAYAM
REPRESENTED BY P. VISWANATHAN, S/O.M.S. PANICKER
AGED 57 YEARS, DEPUTY GENERAL MANAGER (MARKETING)
M/S. MADRAS CEMENTS LTD.40/6955, D-1 & D-2, THIRD FLOOR
OMANA BUILDING, JEWS STREET, PADMA JUNCTION
ERNAKULAM - 682 035.**

**BY ADVS.SRI.LEO GEORGE
SRI.K.N.SASIDHARAN NAIR**

RESPONDENT(S):

- 1. UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF RAILWAYS
CENTRAL SECRETARIAT, NEW DELHI -1.**
- 2. THE DIVISIONAL RAILWAY MANAGER, PALAKKAD - 678 001.**
- 3. THE SENIOR DIVISIONAL COMMERCIAL MANAGER,
PALAKKAD - 678 001.**
- 4. THE CHIEF GOODS SUPERVISOR, NEELESHWAR RAILWAY GOODS
SHED, NEELESHWAR, KASARAGOD - 673 572.**
- 5. COMMERCIAL SUPERVISOR,
SOUTHERN RAILWAY, VADAKARA RAILWAY GOODS SHED
VADAKARA - 673 101.**
- 6. COMMERCIAL SUPERVISOR,
SOUTHERN RAILWAY, KALLAI GOODS SHED, KALLAI
KOZHIKODE - 673 001.**
- 7. THE CHIEF GOODS SUPERVISOR,
TIRUR RAILWAY GOODS SHED, TIRUR, MALAPPURAM - 676 101.**
- 8. STATION MASTER,
SOUTHERN RAILWAY, VALAPATTANAM GOODS SHED
VALAPATTANAM, KANNUR - 670 010.**

BY ADV. SRI.JAMES KURIAN, SC, RAILWAYS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT-P1-** TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER IN RESPECT OF ITS GOODS SHED AT NEELESHWAR DATED 08/02/2012.
- EXHIBIT-P2-** TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER IN RESPECT OF ITS GOODS SHED AT VADAKARA DATED 07/02/2012.
- EXHIBIT-P3-** TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER IN RESPECT OF ITS GOODS SHED AT KALLAI DATED 07/02/2012.
- EXHIBIT-P41-** TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER IN RESPECT OF ITS GOODS SHED AT TIRUR DATED 07/02/2012.
- EXHIBIT-P5-** TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER IN RESPECT OF ITS GOODS SHED AT VALAPATTANAM DATED 07/02/2012.
- EXHIBIT-P6-** TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HONOURABLE COURT IN W.P(C) 32924/2001 DATED 09/12/2011.

RESPONDENTS' EXHIBITS

- EXHIBIT R3(1):** COPY OF THE CIRCULAR NO.TC-1/2005/201/2 DATED 19/12/2005
- EXHIBIT R3(2):** COPY OF THE ADVANCE RATE NOTIFICATION NO.12/2005 (GOODS NO.129/2005 DATED 29/12/2005

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 4052 of 2012

Dated this the 6th day of March, 2015

J U D G M E N T

Challenging the revision of demurrage charges by the respondent Railway Board against the petitioner, the petitioner has come up before this Court.

2. Today, when the matter came up for hearing, it was submitted by both sides that the matter in issue has been considered by a Division Bench of this Court in intra court appeals, i.e., WA No.917/2014 & connected cases. A certified copy of the judgment dated 03.09.2014 in the aforesaid writ appeals was made available for perusal. The writ appeals are disposed of as under;

“(1) The writ petitioners are permitted to make an application for waiver before the Station Manager/Goods Supervisor within 30 (thirty) days from today giving all details along with reasons and relevant records as necessary.

(2) Station Master/Goods Supervisor shall forward the application for waiver of demurrage charges to the Divisional Officer with his remark within 15 (fifteen) days of receipt of the application.

..2..

(3) The Divisional officer shall take a decision on the waiver application considering the reasons and circumstances given by the writ petitioners in the waiver application. Consequential orders be issued thereafter. In case the writ petitioners are aggrieved by the said decision, they can prefer appeal to the higher authority.”

In the light of the above, the writ petition is closed, permitting the petitioner to move as per the aforesaid direction.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-