

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA**

**THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937**

**WP(C).No. 5306 of 2012 (K)**  
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**PETITIONER(S):**  
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**VIJU ASSOCIATES AGED 61 YEARS  
PETTA, FEROKE, CALICUT  
REPRESENTED BY ITS PROPRIETOR, K.FATHIA, W/O.VEERAN.**

**BY ADV. SRI.A.MOHAMED MUSTAQUE**

**RESPONDENT(S):**  
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- 1. THE UNION OF INDIA  
REPRESENTED BY SECRETARY, MINISTRY OF RAILWAYS  
CENTRAL SECRETARIAT, NEW DELHI-110 001.**
- 2. THE DIVISIONAL RAILWAY MANAGER,  
SOUTHERN RAILWAY, PALAKKAD, DISTRICT-678 001.**
- 3. THE SENIOR DIVISIONAL COMMERCIAL MANAGER,  
SOUTHERN RAILWAY, PALAKKAD-678 001.**
- 4. THE CHIEF GOODS SUPERVISOR  
SOUTHERN RAILWAY, RAILWAY GOODS SHED, VATAKARA  
KOZHIKODE-673 101.**

**R1 BY ADV. SRI.JAMES KURIAN, SC, RAILWAYS  
R BY SRI.C.S.DIAS,SC, RAILWAYS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-12-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**avk**

**WP(C).No. 5306 of 2012 (K)**  
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**APPENDIX**

**PETITIONER(S) EXHIBITS**  
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**EXHIBIT P1. TRUE COPY OF THE COMMUNICATION DATED 7/2/2012.**

**RESPONDENTS' EXHIBITS**  
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**NIL**

**//TRUE COPY//**

**PA TO JUDGE**

**avk**

**ANIL K.NARENDRA, J**

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**W.P.(C.)No.5306 Of 2012**  
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**DATED THIS THE 10<sup>th</sup> DAY OF DECEMBER, 2015**

**JUDGMENT**

The petitioner has approached this Court seeking the following reliefs.

- (i) "issue a writ of certiorari or such other writ quashing Exhibit.P1
- (ii) issue a writ of mandamus or such other writ directing respondents 2 to 4 to permit petitioner to remove the goods on payment of demurrage charges at the normal rate ignoring Exhibit P1.
- (iii) to issue such other relief that this Honourable Court may deem fit to grant in the interest of justice."

2. Heard learned counsel for the petitioner and the learned Standing Counsel for the Railways.

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 were 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.
- (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/-  
ANIL K.NARENDRA  
JUDGE**

//TRUE COPY//

PA TO JUDGE

avk