

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 7977 of 2012 (V)

PETITIONER :

VIJU ASSOCIATES,
PETTA, FEROKE, CALICUT,
REPRESENTED BY ITS PROPRIETOR, SMT.K.FATHIMA
D/O. VEERAN.

BY ADV.SRI.K.R.AVINASH

RESPONDENTS :

1. THE UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF RAILWAY,
CENTRAL SECRETARIAT, NEW DELHI-110 001.
2. THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY, PALAKKAD-678 001.
3. THE SENIOR DIVISIONAL COMMERCIAL MANAGER,
SOUTHERN RAILWAY, PALAKKAD-678 001.
4. THE CHIEF GOODS SUPERVISOR,
SOUTHERN RAILWAY, RAILWAY GOOD SHED, KALLAI-673 001,
KOZHIKODE DISTRICT.
5. THE CHIEF GOODS SUPERVISOR,
SOUTHERN RAILWAY, RAILWAY GOOD SHED, TIRUR-676 505,
MALAPPURAM DISTRICT.
6. THE CHIEF GOODS SUPERVISOR,
SOUTHERN RAILWAY, RAILWAY GOOD SHED, VADAKARA-673 508,
KOZHIKODE DISTRICT.

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

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7977 of 2012 (V)

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 : TRUE COPY OF THE COMMUNICATION DTD.20.3.2012.

EXT.P2 : TRUE COPY OF THE INTERIM ORDER IN W.P.(C)No.30232/2010 PASSED BY
THIS COURT, DTD.1.10.2010.

RESPONDENTS' EXHIBITS :-

Ext.R3(1) COPY OF THE CIRCULAR No.TC-1/2005/201/2 DTD.19.12.2005.

Ext.R3(2) COPY OF THE ADVANCE RATE NOTIFICATION No.12/2005 (GOODS No.129)
DTD.29.12.2005.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.7977 of 2012

Dated this the 4th 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 6 to permit petitioner to remove the goods on payment of demurrage charges at the normal rate ignoring Exhibit.P1.
- (iii) such other relief that this Hon'ble 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.

3. 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 and 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

skj

True copy

P.A to Judge