

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 5251 of 2015 (F)

PETITIONER(S):

**UNILEVER INDIA EXPORTS LTD.
HAVING THEIR REGISTERED OFFICE AT BD SAWANT MARG
CHAKALA, ANDHERI (EAST)
MUMBAI 400099 AND HAVING THEIR BRANCH OFFICE
AT MILNE ROAD, WILLINGDON ISLAND
COCHIN-682003, REPRESENTED BY AUTHORIZED
PERSON R.ANANTHANARAYANAN.**

**BY ADVS.SRI.P.RAVINDRAN (SR.)
SRI.MADHU RADHAKRISHNAN
SRI.NELSON JOSEPH
SRI.M.D.JOSEPH**

RESPONDENT(S):

- 1. COCHIN PORT TRUST, WELLINGTON ISLAND
REPRESENTED BY ITS SECRETARY, PORT TRUST BUILDING
WELLINGTON ISLAND-682003.**
- 2. CHAIRMAN, COCHIN PORT TRUST
WELLINGTON ISLAND- 682003.**
- 3. THE CHIEF ENGINEER,
COCHIN PORT TRUST, WELLINGTON ISLAND
WELLINGTON ISLAND- 682003.**
- 4. UNION OF INDIA, MINISTRY OF SHIPPING & TRANSPORT
REPRESENTED BY THE SECRETARY
TRANSPORT BHAVAN-1, PARLIAMENT STREET
NEW DELHI- 110001.**

**R1-3 BY SRI.V.ABRAHAM MARKOS (SR.)
R4 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1: A TRUE COPY OF THE ORIGINAL LEASE DEED DATED 13-11-1973.**
- EXT. P2: A TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT
DATED 30-4-2014**
- EXT. P3: A TRUE COPY OF THE RENEWAL LETTER ISSUED BY THE PETITIONER
DATED 15/5/2014**
- EXT. P4: A TRUE COPY OF THE CERTIFICATE ISSUED AND THE EXPORT
PERFORMANCE FOR AUGUST 2014 AND NOVEMBER 2014 RELEASED
BY THE COCHIN CHAMBER OF COMMERCE AND INDUSTRY-DATED
14-5-2014**
- EXT. P5: A TRUE COPY OF THE NOTICE DATED 4-9-2014 ISSUED BY THE 3RD
RESPONDENT**
- EXT. P6: A TRUE COPY OF THE NOTICE DATED 14-10-2014 ISSUED BY THE 3RD
RESPONDENT**
- EXT. P7: A TRUE COPY OF THE COMMON JUDGMENT IN WPC 29436/2014
DATED 11-11-2014**
- EXT. P8: A TRUE COPY OF THE PROCEEDING ISSUED BY THE 1ST
RESPONDENT DATED 3-1-2015**
- EXT. P9: A TRUE COPY OF THE NOTICE DATED 22-1-2015 ISSUED BY THE 1ST
RESPONDENT**
- EXT. P10: A TRUE COPY OF THE APPLICATION FOR ADJOURNMENT
DATED 28-1-2015**
- EXT. P11: A TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT
UNDER SEC 5 OF THE ACT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.5251 of 2015

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a Writ of Certiorari calling for the records leading to passing of Ext.P-8 and Ext.P-11 orders and quash the same.

ii) Issue a Writ of Mandamus to comply with the direction in Ext.P-7 judgment in so far as the same directs the respondents to maintain status quo until the Petitioner is rehabilitated.

iii) Issue a Writ of Mandamus to direct 2nd respondent not to commence any eviction proceeding under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, until the Petitioner is rehabilitated and is given a personal hearing.

iv) Issue such other writ order or direction as this Hon'ble Court may deem fit in the circumstances of the case.

v) To award the costs of the writ petition."

2. Heard Sri. P. Ravindran, the learned Senior Counsel appearing for the petitioner as well as Sri.V. Abraham Markose, the learned Senior Counsel appearing for the respondent Port Trust.

3. The learned Senior Counsel appearing for the Port Trust submits that, in view of the subsequent developments and also in view of the facts and figures involved in the present case, the Port Trust had taken a decision to recall Exts.P9 and P11 proceedings and that further steps will be pursued only in accordance with the relevant provisions of law, of course after affording an opportunity of hearing to the petitioner.

4. In the light of the said submission, this Court finds that, no further orders are necessary. Exts.P9 and P11 will stand recalled and the writ petition is disposed of, without prejudice to the rights and liberties of the parties concerned to proceed with further steps in accordance with law.

**P.R. RAMACHANDRA MENON,
JUDGE**

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