

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

W.P. (C) .No. 39733 of 2015 (N)

PETITIONER :

CHANDY GEORGE,
AGED 68 YEARS,
S/O.LATE M.C.GEORGE,
'MANAMEL',
55 HAYES ROAD,
BANGALORE-560 025.

BY ADVS.SRI.JAGAN ABRAHAM M.GEORGE
SRI.P.JAYABAL MENON
SMT.K.J.GISHA

RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF SHIPPING & SURFACE TRANSPORT,
GOVERNMENT OF INDIA,
NEW DELHI-110 001.
2. COCHIN PORT TRUST,
REPRESENTED BY ITS CHAIRMAN,
WILLINGDON ISLAND,
ERNAKULAM,
PIN-682 009.
3. THE DEPUTY CONSERVATOR OF PORTS,
COCHIN PORT TRUST,
WILLINGDON ISLAND,
ERNAKULAM
PIN-682 009.

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W.P. (C) .No. 39733 of 2015 (N)

4. THE TARIFF AUTHORITY FOR MAJOR PORTS,
4TH FLOOR,
BHANDAR BHAVAN,
M.P.ROAD,
MAZGAON,
MUMBAI-400010.

BY ADV. SRI.N.NAGARESH, SC, ASSISTANT SOLICITOR GENERAL
BY SMT.LATHA ANAND, SC, COCHIN PORT TRUST

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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W.P.(C).No. 39733 of 2015 (N)

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 TRUE COPY OF THE DOCUMENT NO.978 OF 1957 OF
 S.R.O.NJARAKKAL.
- EXT.P2 TRUE COPY OF THE LATEST LAND TAX RECEIPT DATED
 13/06/2014 ISSUED BY THE PUTHUVYPPU VILLAGE OFFICER
 IN THE NAME OF PETITIONER AND OTHER CO-OWNERS.
- EXT.P3 TRUE COPY OF THE JETTY LICENCE FEE CHALAN DATED
 09/11/13 FOR THE PERIOD FROM 01/01/12 TO 31/03/14
 ISSUED BY THE COCHIN PORT TRUST.
- EXT.P4 TRUE COPY OF THE REPRESENTATION DATED 25/10/2014
 ISSUED TO THE 2ND RESPONDENT.
- EXT.P5 TRUE COPY OF THE INTIMATION LETTER DATED 22/04/2015
 ISSUED BY THE 2ND RESPONDENT.
- EXT.P6 TRUE COPY OF THE NOTICE DATED 26/11/2015 ISSUED BY
 2ND RESPONDENT.
- EXT.P7 TRUE COPY OF THE RELEVANT EXTRACTS OF ALL INDIA
 GAZETTE PUBLICATION MADE BY 4TH RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P.(C).No. 39733 of 2015

Dated this the 23rd day of December, 2015

JUDGMENT

The petitioner has approached this Court challenging Exts.P5 and P6 notices issued by the 3rd respondent, enhancing licence fee for jetty. The petitioner submits that initially, the petitioner was carrying commercial activities and now he has stopped. It is submitted now that the jetty is being used for personal purposes. The petitioner is intended to use the jetty only for personal purposes and not for any commercial activity.

2. This Court is of the view that the petitioner shall make a representation before the Chairman of the Cochin Port Trust, as to the nature of the activity, being carried out by him. If the activity of the petitioner is only a personal activity not amounting to commercial activities,

certainly, that aspect shall be taken into account while taking a decision. Appropriate decision shall be taken by the chairman of the 2nd respondent within a period of one month from the date of receipt of such representation after hearing the petitioner. Till such decision is taken, enhanced demand shall not be enforced against the petitioner.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE
JUDGE

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