

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

W.P.No.30015 of 2012
and
M.P.Nos.1 and 2 of 2012

M/s.V.S.Lad and Sons,
House of Lad's
Palace Road, Sanndur 583119,
Bellary District, Karnataka,
rep. herein by its Authorised Signatory,
Mr.S.C.Soni. .. Petitioner

vs.

- 1.Chennai Port Trust,
rep., by its Chairman,
No.1, Rajaji Salai,
Chennai - 600 001.
- 2.The Estate Officer,
Chennai Port Trust,
No.1, Rajaji Road,
Chennai - 600 001.
- 3.Additional Director General of Foreign Trade,
4th Floor, Shastri Bhavan Annexe,
26, Haddows Road, Nungambakkam,
Chennai - 600 034.
- 4.Joint Director General of Foreign Trade,
C&E Wing, 6th Floor, Kendriya Sadan,
17th Main Road, 2nd Block,
Koramangala, Bangalore - 560 034.
- 5.Assistant Development Commissioner,
Ministry of Commerce and Industry,
No.365, 1st Floor, 8th Main, 4th Cross,
Vivek Nagar, Bangalore - 560 047.
6. Deputy Commissioner,
Central Excise,
Bellary Division,
351, Gopal Mudaliar Road,
Gandhi Nagar, Bellary - 583003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the record comprised in the Eviction Notice No.MEE/V1/2130/2009/Dy.CME (OH), dated 26.07.2012 issued by the 2nd respondent and quash the same as being arbitrary, illegal and contrary to law and consequently, direct the respondents 3 to 6 to issue necessary permissions/sanctions/ orders to permit the petitioner to sell the iron ore stacked in the 1st respondent premises in the domestic market without insisting on payment of demurrage or any other charge not provided for under the provisions of the Major Port Trusts Act, 1963.

For petitioner : Mr.Satish Parasaran

For respondents 1 & 2 : Mr.P.M.Subramaniam

For respondents 3 to 5 : Mr.B.Rabu Manohar,
Central Government
Senior Panel Counsel

For 6th respondent : No appearance

ORDER

Heard the learned counsels appearing for the parties concerned.

2. Various grounds had been raised by the petitioner, in the present Writ Petition, challenging the impugned eviction notice, issued by the second respondent, dated 26.07.2012.

3. However, at this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the Chennai Port Trust had submitted that an appeal remedy is available, to the petitioner, under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, to challenge the notice issued, by the second respondent, dated 26.07.2012.

4. The learned counsel appearing on behalf of the petitioner had not refuted the said submission made by the learned counsel appearing on behalf of the Chennai Port Trust.

5. As an efficacious appeal remedy is available to the petitioner, the petitioner is permitted to file an appeal, before the authority concerned, under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that, till the appeal is filed by the petitioner, as directed by this Court, by this order, the Chennai Port Trust shall not insist on the

petitioner paying demurrages. However, the petitioner shall continue to pay the Rent, as directed by this Court, by its order, dated 7.11.2012, in W.P.No.30015 of 2012, and M.P.No.2 of 2012. It is made clear that, if the petitioner has not filed any appeal, as permitted by this Court, by this Order, it would be open to the respondents, to initiate appropriate action against the petitioner, as per law.

6. The Writ Petition stands disposed of, with the above directions. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

asvm

To

- 1.The Chairman,
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Chennai - 600 001.
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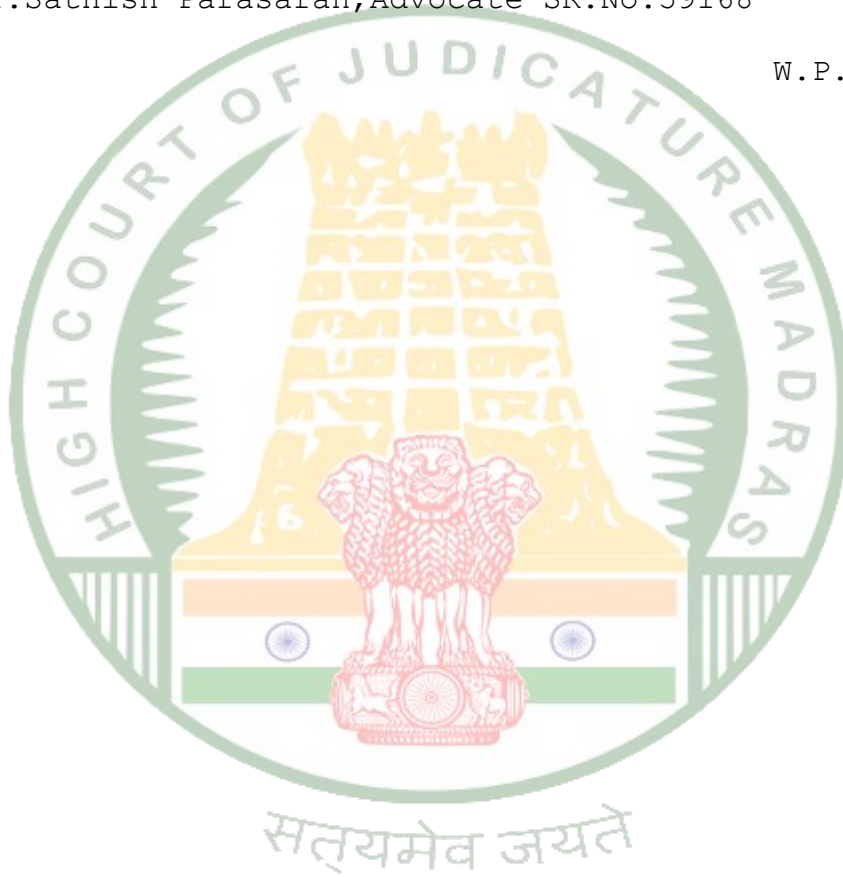
+1cc to Mr.P.M.Subramaniam,Advocate SR.No.58814

+1cc to Mr.B.Rabu Manohar, Advocate SR.No.58768

+1cc to Mr.Sathish Parasaran,Advocate SR.No.59168

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W.P.No.30015 of 2012



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