

***THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR***

**WRIT PETITION No.29275 OF 2014**

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**ORDER:**

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The relief sought for in the Writ Petition also incidentally questioned the termination proceedings, dated 05.04.2014, issued to the petitioner by the respondents.

2. This Court passed interim order on 26.09.2014 in W.P.No.29275 of 2014, which reads as follows:

“Visakhapatnam Port Authority issued notice of termination dated 05.04.2014 to operate on expiry of 120 days if amount equivalent to 5 years licence fee by way of non-refundable security deposit is not furnished. The said termination comes into effect on 30.09.2014.

Learned Senior counsel for the petitioner Sri S.Ravi submits that there is no such requirement to pay the security deposit of five years equivalent annual rental as per the 2010 Land policy for major ports. Such a clause was incorporated earlier in 2004 land policy which was superseded by the 2010 land policy. He therefore, contends that insistence by the Visakhapatnam Port Trust to furnish security deposit for five years of annual rental value and terminating the agreement on that ground is illegal.

Learned Standing Counsel requests time for obtaining instructions.

Post on 07.10.2010 in the motion list.

In the meantime, there shall be interim suspension as prayed for.”

The said order has been extended from time to time and it is in force.

3. Today when the matter is taken up, learned Senior Counsel appearing for the respondent and the counsel on record submitted a letter, dated 04.08.2015, which communicates the decision of the Vizag Trust Board. Operative portion of the said letter reads as follows:

“In continuation of VPT's letter 4<sup>th</sup> cited, it is to inform that, as per the directions of VPT Board, VPT is withdrawing the Termination Notice issued vide Lr.No.

IM&EE/MOF/PROJ/EQ7/2040, dated 05.04.2014, without prejudice to any of VPT's contentions/rights."

4. Since the said letter itself communicates resolution of Board to withdraw the termination notice and the same is served on counsel for the petitioner, the cause of action in the Writ Petition does not survive.

5. Accordingly, the Writ Petition is dismissed as withdrawn. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**VILAS V. AFZULPURKAR, J**

03.09.2015

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**WRIT PETITION No.29275 OF 2014**

**Date: 03.09.2015**

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