



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2016

CORAM

THE HON'BLE MR.JUSTICE M.VENUGOPAL

WEB COPY

W.P. (MD) No.3517 of 2013

and

M.P. (MD) No.1 of 2013

Senior Divisional Engineer Co-ordination,
Madurai Division, Southern Railway,
Madurai. .. Petitioner

vs.

1.The Port Conservator,
Port Office, Pamban.

2.The State through
Inspector of Police,
Coastal Security Group,
Rameswaram.

3.The Inspector,
Railway Police,
Rameswaram.

4.TITAGARH MARINE LTD.,
Premlata 4th Floor,
Shakespear sahani,
Kolkatta.

5.Subasis Lahiri Corporated Ship,
Management Services Pvt Ltd.,
3C, Sundaram Building 3rd Floor,
46-F, Haji Ahmed Kidwai Road,
Kolkatta.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st Respondent not to give clearance to Respondents 4 and 5 to move TUG ADINATH-8 and 300 T Sullage Barge (SB-II) from pamban port which damaged the Railway Bridge No.346 (Pamban Bridge) on 13.1.2013 and arrest the Vessels until the damages due to the petitioner is settled.

For Petitioner : Mr.S.Manohar

For R1 to R3 : Mr.S.Kumar

Additional Government Pleader

For R4 : K.Govindarajan

**ORDER**

The learned standing counsel for the petitioner has made an endorsement in the writ petition papers to the following effect:-

'The petitioner has filed O.S.No.10 of 2016 on the file of the Principal District Court, Ramanathapuram for damages and it is posted to 06.06.2016 and hence, the petitioner will proceed for damages and therefore, the writ petition may be closed as suit has been filed.'

2.Recording the aforesaid facts and the endorsement so made, the writ petition is ordered to be closed, inasmuch as the petitioner cannot seek a parallel/contemporary remedy. Further, it is open to the petitioner to pursue/workout its complete and comprehensive remedy by raising all factual and legal pleas in O.S.No.10 of 2016 pending before the learned Principal District Judge, Ramanathapuram, in the manner known to law and in accordance with law. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1.The Inspector of Police,
Coastal Security Group,
Rameswaram.

2.The Inspector,
Railway Police,
Rameswaram.

+1cc to M/s.S.Manohar, SR.No.27519/16 Advocate (petitioner)
JA/AAL-MP/SAR.I/02/06/16/2P-3C

W.P.(MD) No.3517 of 2013
01.06.2016