

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38404 of 2003

VARMA & CO,
REPRESENTED BY ITS PROPRIETOR, R.V.VARMA,
OLD.NO.159, MINT STREET,
SOWCARPET, CHENNAI - 79

[PETITIONER]

Vs

1 THE AIRPORT AUTHORITY OF INDIA,
(INTERNATIONAL AIRPORTS DIVISION),
REP.BY ITS AIRPORT DIRECTOR,
CHENNAI AIRPORT,
CHENNAI - 27

2 THE ADDITIONAL GENERAL MANAGER
(CARGO),
AIRPORT AUTHORITY OF INDIA,
CHENNAI AIRPORT,
CHENNAI - 27

3 M/S.MURRAY & CO, REP BY ITS OFFICER-IN-CHARGE,
164, THAMBU CHETTY STREET,
CHENNAI - 1

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the appointment of the 3rd respondent herein namely M/s.Murray & Co. as the auctioneer for the respondents 1 and 2 herein is null and void and also illegal.

For Petitioner : Mr.K.Thiruvengadam

For R1 & R2 : Mr.S.Venkatesan

O R D E R

Heard Mr.K.Thiruvengadam, learned counsel for the
petitioner and Mr.S.Venkatesan, learned counsel for the
respondents 1 and 2.

2. The relief sought for in this writ petition is for a declaration that the appointment of the third respondent namely M/s.MURRAY & CO as the auctioneer for the respondents 1 and 2 herein is null and void.

3. At the outset, the prayer sought for as such in this writ petition is to be scrutinised, since the direction is to declare the appointment of a private auction company as null and void.

4. On a perusal of the auction notice dated 10th December, 2003, issued by the Deputy General Manager (Cargo) of Airports Authority of India, it is clear that the auction notice was relating to the disposal of uncleared import air cargo. For the purpose of clearing these cargoes, the third respondent, M/s.MURRAY & CO. was engaged. The writ petitioner has not challenged any tender process or the notification or any other order passed by the Airports Authority of India. Contrarily, a writ of mandamus is sought to declare the appointment of the third respondent as null and void. Even, the order of appointment appointing the third respondent is not under challenge.

5. In such circumstances, after a lapse of 14 years, the prayer as such, sought for in this writ petition deserves no further consideration and accordingly the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1 THE AIRPORT DIRECTOR,
THE AIRPORT AUTHORITY OF INDIA,
(INTERNATIONAL AIRPORTS DIVISION),
CHENNAI AIRPORT,
CHENNAI - 27.

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2 THE ADDITIONAL GENERAL MANAGER
(CARGO),
AIRPORT AUTHORITY OF INDIA,
CHENNAI AIRPORT,
CHENNAI - 27.

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MG[CO]
SRG 26/05/2017



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