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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2017

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THE HONOURABLE MR. JUSTICE **T.S.SIVAGNANAM**

and

THE HONOURABLE MR. JUSTICE **P.VELMURUGAN**

W.A(MD)No.551 of 2017

and

C.M.P.(MD)Nos.4600 & 4601 of 2017

Tuticorin Ship Agents Association,

Represented by its Secretary,

L.AnandMorais

S/o.L.T.Morais,

Having Office at No.50, Beach Road,

Tuticorin-628 001.

: Appellant/ Petitioner/ Petitioner

Vs.

1. The Traffic Manager,
V.O.Chidambaram Port Trust,
Tuticorin-628004.

2. The V.O.Chidambaram Port Trust,
Represented by its, Chairman,
Tuticorin-628004

: Respondents/Respondents/
Respondents

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 25.04.2017 in W.M.P.(MD)No.5012 of 2017 in W.P.(MD) No.6366 of 2017 in so far as the disallowed portion is concerned and orders by this Court.

Prayer in WMP(MD). 5012/ 2017 :

To stay the berthing norms for berthing vessels in V.O.Chidambaranar Port with effect from 03.02.17 under No.TRA-OFTBL-VSL-BERTH-VI-16 on the file of the 1st respondent in so far as Clause XVI relating to imposing of penal berth hire charges upon the shipping agents pending disposal of the above writ petition.

Prayer in WP(MD). 6366/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the berthing norms for berthing vessels in V.O.Chidambaranar Port with effect from 03.02.17 under No.TRA-OFTBL-VSL-BERTH-VI-16 on the file of the 1st respondent in so far as Clause XVI relating to imposing of penal berth hire charges, quash the same and further directing the respondents not to collect the penal berth hire charges from the shipping agents being the members of the petitioner association.



For Appellants : Mr.G.Prabhu Rajadurai
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader
for R.1

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JUDGMENT

(Judgment of the Court was made by **T.S.SIVAGNANAM.J.**)

The appellant association has filed this Writ Appeal, aggrieved by the interim order passed by the Writ Court, dated 25.04.2017, in W.M.P.(MD)No.5012 of 2017 in W.P.(MD)No.6366 of 2017.

2. We find that this Writ Miscellaneous Petition as well as the Writ Petition are pending before the Writ Court and it has not been finally disposed of and the case has been adjourned for filing counter affidavit and in the meantime, interim order was passed in the miscellaneous Petition in respect of retrospective limitation of the penal berth hire charges. The appellant Association seeks for stay of the entire proceedings as prayed by them. Since the miscellaneous petition is still pending, we refrain from expressing any opinion on the merits of the case, leaving open to the petitioner to move the Writ Court for necessary relief.

3. with the above observations this writ appeal is disposed off. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
The V.O.Chidambaram Port Trust, Tuticorin-628004.
2. The Traffic Manager,
V.O. Chidambaram Port Trust, Tuticorin-628004.

W.A(MD)No.551 of 2017
and
C.M.P. (MD)Nos.4600 & 4601 of 2017
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