

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.17258 of 2016
and W.M.P.No.14738 of 2016

Dr.G.S.Parasher,
Pro-Vice Chancellor,
Indian Maritime University Campus,
Marine Engineering & Research Institute,
Hay Bunder Road, Mumbai-400 033. .. Petitioners

vs

- 1.The Government of India,
Rep. by its Secretary,
Ministry of Shipping,
Road Transport & Highways,
New Delhi.
- 2.The Chancellor,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-600 119.
- 3.The Vice-Chancellor,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-600 119.
- 4.The Registrar,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-600 119. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd to 4th respondents herein to make Regulations/Procedures as mandated under the Statute 44 (2) of the Indian Maritime University Statute.

For Petitioner	:	Mr.S.Sathiaseelan
For R1	:	Mrs.G.Hema,
		Central Government Standing Counsel
For RR 2, 3 & 4	:	Mr.K.R.Tamil Mani

O R D E R

The petitioner, claiming to be the Pro-Vice Chancellor of Indian Maritime University Campus, Marine Engineering & Research Institute, has filed this writ petition, for a Mandamus, directing the respondents 2 to 4 herein to make Regulations/Procedures as mandated under the Statute 44 (2) of the Indian Maritime University Statute.

2. After issuance of notice, the fourth respondent has filed a counter affidavit, stating that the petitioner should have first raised the issue of framing Regulations under Section 31 of IMU Act 2008 covering areas, if any, not already dealt with by the Act, Statutes or Ordinances, in the meetings of the various authorities concerned before approaching any judicial forum, for a direction to make such regulations/procedures, whereas, the petitioner though attended various meetings, did not raise any issue and never addressed any letter/communication/e-mail to the Vice Chancellor suggesting the making of any procedural laws under Statute 44(2) or proposing any set of draft Regulations for the consideration of the Vice Chancellor and the various authorities.

3. Mr. K.R. Tamil Mani, learned counsel for the respondents 2, 3 and 4, on instructions, submitted that the petitioner has already been ceased of to function as Pro-Vice Chancellor and the remedy available to the petitioner for the relief sought for herein, is to file a Public Interest Litigation and not to file this writ petition invoking Article 226 of the Constitution of India.

4. In view of the averments made in the counter affidavit filed by the fourth respondent and the submission so made by the learned counsel for the contesting respondents, the writ petition stands disposed of, leaving it open to the petitioner to file a Public Interest Litigation, if so advised. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

kak/sk/rk

To

1.The Secretary to Government,
The Government of India,
Ministry of Shipping,
Road Transport & Highways,
New Delhi.

2.The Chancellor,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-600 119.

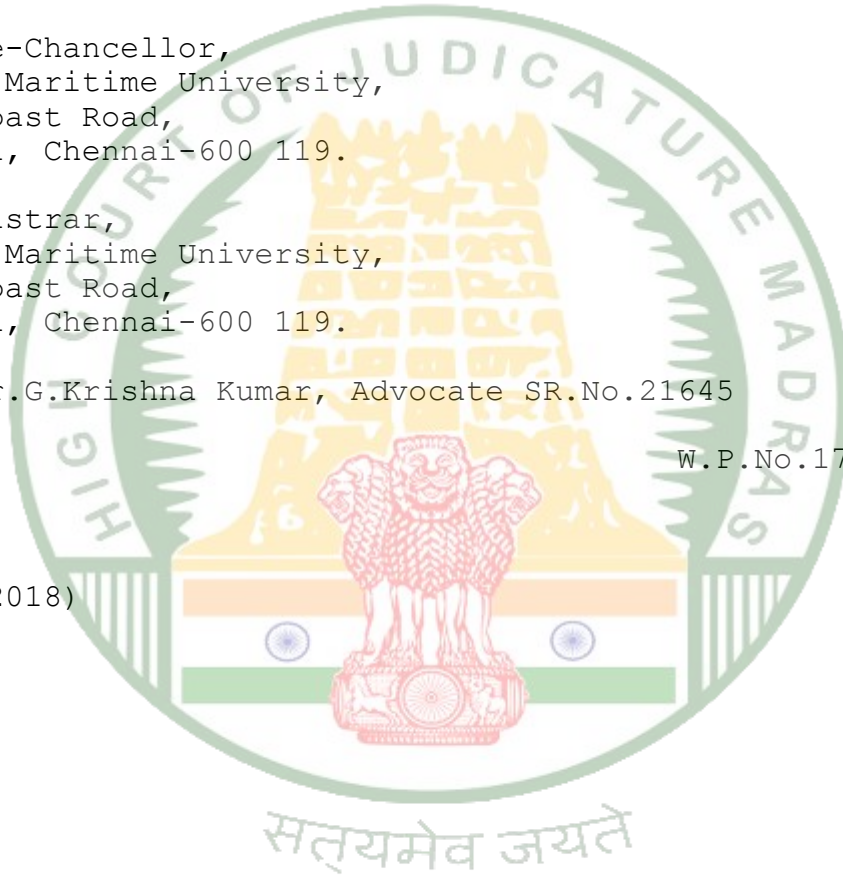
3.The Vice-Chancellor,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-600 119.

4.The Registrar,
Indian Maritime University,
East Coast Road,
Uthandi, Chennai-600 119.

+1cc to Mr.G.Krishna Kumar, Advocate SR.No.21645

W.P.No.17258 of 2016

AK(CO)
GN(25/04/2018)



WEB COPY