



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Seventeenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and
The Hon`ble Mr.Justice G.R.SWAMINATHAN

REV.APLW(MD) No.61 of 2018
and
CONT P(MD)NO.242 of 2018

REV.APLW(MD) No.61 of 2018:

THE COMMISSIONER,
CUSTOMS AND CENTRAL EXCISE,
WILLIAMS ROAD,
TIRUCHIRAPPALLI.

... PETITIONER/ 1st RESPONDENT

Vs

1 EXPRESS COURIER OPERATORS ASSOCIATION,
(REGD.NO.156/2013),
REP.BY ITS PRESIDENT,
S.A.SYEED,

... 1st RESPONDENT/ PETITIONER

2 THE DIRECTOR,
AIRPORT AUTHORITY OF INDIA,
TRICHY AIRPORT, TRICHY.

... 2nd RESPONDENT/ 2nd RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to review the order dated 22/08/2017 made in WP(MD) No.6403 of 2017 on the file of this Honourable Court.

PRAYER in WP(MD) No.6403 of 2017:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to issue notification for the Courier import and export operations in Tiruchirappalli International Airport within a time frame fixed by this Court.

CONT P(MD)No.242 of 2018:

EXPRESS COURIER OPERATORS ASSOCIATION,
(REGD NO.156/2013)
REP. BY ITS PRESIDENT,
S.A.SYEED

... PETITIONER/ PETITIONER



- Vs. -

ASHOK,
COMMISSIONER,
CUSTOMS AND CENTRAL EXCISE,
WILLIAMS ROAD,
TIRUCHIRAPPALLI.

... CONTEMNOR/ RESPONDENT

To issue summon the contemnor/Respondent and punish him in accordance with law for his wilful disobedience of the order of this Honourable Court made in W.P(MD) No.6403 of 2017 dt.22.8.2017.

PRAYER in WP(MD) No.6403 of 2017:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to issue notification for the Courier import and export operations in Tiruchirappalli International Airport within a time frame fixed by this Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.B.VIJAY KARTHIKEYAN, Advocate for the petitioner in REV.APLW(MD)NO.61/2018 and Mr.R.S.SIVARAM, Advocate for the petitioner in CONT P(MD)No.242 of 2018 and Mr.C.GODWIN, Advocate for the Respondents in REV.APLW(MD)NO.61/2018 and Mr.B.VIJAY KARTHIKEYAN, Advocate for the Respondent in CONT P(MD)No.242 of 2018, the court made the following order:-

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The First respondent in the review application filed W.P.(MD) No.6403/2017 for directing the review applicant to issue notification for the Courier import and export operations in Tiruchirappalli International Airport.

2. In the Writ Petition, the Airport Authority of India, Trichy filed a counter affidavit stating that all the requisite facilities have been provided. This Court, accepting the said stand of the authority, by order dated 22.08.2017, allowed the writ petition and directed the review applicant to issue notification within a period of three months.

3. In this Review Application, the Commissioner of Customs and Central Excise contends that even the basic infrastructural facilities for issuing the notification in question are not available in Trichy Airport. This Court called upon the review applicant as well as the Director of Airport Authority of India to appear in person. This Court, after spending considerable time to resolve the matter on 06.12.2018, has passed the following order:

"4.We direct the review petitioner, namely, the
Commissioner, Customs and Central Excise,
Tiruchirappalli, to furnish a checklist of actual



requirements and serve the same on the writ petitioner as well as the Director Airport Authority of India, Tiruchirappalli. The review petitioner shall indicate what are all the formalities to be complied with for issuance of such notification and also making it functional. The review petitioner shall make available the said checklist by 08.12.2018. The Director Airport Authority of India, Trichy shall file a written response."

4. Today, when the matter was taken up for hearing, the contesting parties are sticking to their respective stand. Since this is an inter-departmental dispute involving two wings of Central Government, we deem it appropriate to refer the matter to the Director General of Civil Aviation. The said authority will take up the matter with the Central Board of Excise and Customs. The two authorities shall constitute a committee to go into the issue. Such a committee shall be constituted within a period of four weeks from the date of receipt of a copy of this order. The Committee shall go into the said issue and after hearing all the stake holders, submit a report before this Court on 11.02.2019.

sd/-
17/12/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE COMMISSIONER,
CUSTOMS AND CENTRAL EXCISE,
WILLIAMS ROAD, TIRUCHIRAPPALLI.
- 2 THE DIRECTOR,
AIRPORT AUTHORITY OF INDIA,
TRICHY AIRPORT, TRICHY.
- 3 ASHOK,
COMMISSIONER,
CUSTOMS AND CENTRAL EXCISE,
WILLIAMS ROAD, TIRUCHIRAPPALLI.

- +1. C.C. to MR.B.VIJAY KARTHIKEYAN, Advocate SR.No. 23528
+1. C.C. to M/S.C.GODWIN, Advocate SR.No.23570

ORDER
IN
REV.APLW(MD) No.61 of 2018
AND
CONT P(MD)NO.242 of 2018