

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.28325 of 2012

and

M.P.No.1 of 2012

Vishnu International

No.2/11, Acharappan 2nd Lane,

Room No.3, 2nd Floor,

Chennai - 600 001.

Represented by its Manager

Mr.K.V.Sandeepkumar

.... Petitioner

Vs

- 1.The Secretary to Government,
Ministry of Shipping and
Surface Transport,
Government of India,
New Delhi.
- 2.The Chairman,
Chennai Port Trust, Chennai.
- 3.Chennai Container Terminal Ltd,
Chennai Port, Chennai.
Represented by its Manager
- 4.The Chennai International
Terminal (P) Ltd.,
Chennai Port, Chennai - 1.
Represented by its Manager
- 5.The Secretary to Government,
Ministry of Finance,
New Delhi.
- 6.The Chief Commissioner of Customs,
Narmada Block, Customs House,
No.60, Rajaji Salai,
6th Floor, Chennai - 600 001.

7.The Commissioner of Police,
Egmore, Chennai - 600 008.

8.Oasis Shipping Pvt. Ltd.,
7th Floor, K.G.N.Towers,
Old No.31 & 32, New No.62,
Commander-In-Chief Road,
Egmore,Chennai - 600 105.
Represented by its Manager

9.Aissa Maritime Pvt Ltd,
No.319/154, Thambu Chetty Street,
Parry's, Chennai - 600 001.
16, Samudera Shipping Line (I) Pvt. Ltd,
57/3, Armenian Street,
Chennai - 600 001.
Represented by its Manager

10.Samudera Shipping Line (I) Pvt Ltd,
57/3, Armenian Street,
Chennai - 600 001.
Represented by its Manager

11.BOXCO,
(A Division of Chunilan & Co.)
J.M.Baxi Group Enterprise,
4 & 4a, Rajaji Salai,
Clive Battery Complex,
Chennai - 600 001.
Represented by its Manager

12.MGR Container Line India Pvt Ltd,
New No.336, Old No.166,
2nd Floor, Thambu Chetty Street,
Opposite High Court,
Chennai - 600 001.
Represented by its Manager

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents 2 to 4 to ensure implementation of Public Notice No.45/2007 dated 30.03.2007 and subsequently forebear the Respondents from levying any charges or fees relatable to the failure to implement the said Public Notice and also for refund of the amounts collected by the Respondents 8 to 13 as of date.

For Petitioner : Ms.Sriprada Prabhakar for
Mr.M.Aravind Subramaniam

For Respondents: Mr.J.Madhanagopal Rao, SCGSC
for R1 & R5
Mr.T.Pramod Kumar Chopra, SPC
for R6
Mr.A.Zakir Hussain, GA
for R7
Mr.R.Karthikeyan for R2
Mr.S.Raghunathan for R3
Mrs.T.Poornam for R9 & R11
Mr.M.Ayyadurai for R12
No appearance for R4, R8 & R10

O R D E R

The grievance of the petitioner as reflected in the affidavit filed in support of the writ petition is that, the respondents have not adhered to the public notice No.45/07, discontinuing direct delivery of FCL Containers from Container Yard of M/s.CCTL etc. In this connection, they have sought for an issuance of writ of mandamus.

2. In matters of this kind, whenever there is a grievance that the respondents are not adhering to standing circulars or notices, the remedy available to the petitioner would be to address the appropriate authorities seeking for compliance of such circulars or notices and without making a representation of that nature, a writ of mandamus will not lie. It is also seen that the public notice was issued way back in the year 2007 and twelve years have lapsed since then.

3. At this juncture, this Court will not be justified in directing the respondents to implement the public notice. Nevertheless, if the petitioner's grievance still subsists, it would be open to them to make an appropriate application before the concerned authorities ventilating their grievances. On receipt of any such representation, the competent authority shall deal with the same and pass appropriate orders, as expeditiously as possible.

4. With this liberty, no further orders are required in the present writ petition. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

hvk

To

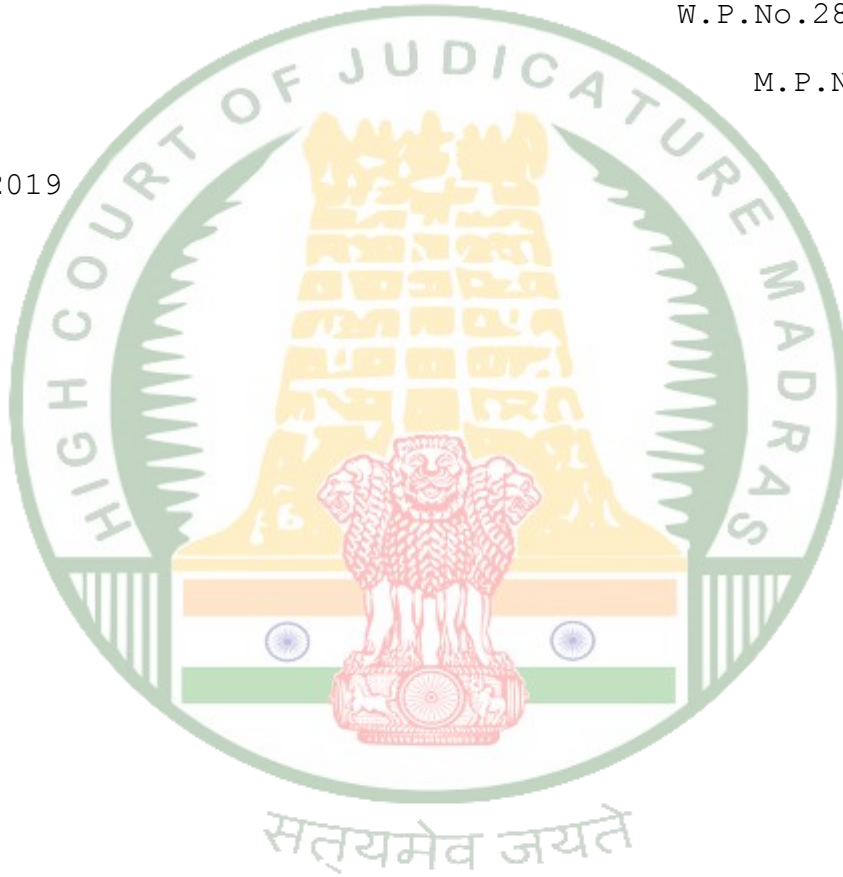
- 1.The Secretary,
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- 3.The Manager,
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Chennai Port, Chennai.
- 4.The Manager,
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Narmada Block, Customs House,
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7.The Commissioner of Police,
Egmore, Chennai - 600 008.

+1cc to Mr.T.Pramod Kumar Chopra, Advocate sr.60814
+1cc to Mr.S.Raghunathan, Advocate sr.59641
+1cc to Mr.M.Aravind Subramaniam, Advocate sr.59907
+1cc to Mrs.T.Poornam, Advocate sr.59642
+1cc to Government Pleader sr.60689

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ad(co)
nr 03/09/2019



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