

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 23570 of 2019

and

W.M.P. Nos. 23390, 23393, 23394 and 23396 of 2019

Nisar Ahmed Khan,
Proprietor of M/s. Lucky Enterprises,
Represented by its Power Agent Nizammudin Mohd Safat,
Shop No. 2, Wajid Ali Compound,
90 Feet Road, Thane,
Mumbai - 400 072. ... Petitioner

-vs-

1. Chennai Port Trust,
Represented by its Chief Mechanical Engineer,
Chennai - 600 001.
2. M/s.MSTC Limited,
No.5, ISPAT Bhavan, III Floor,
Nungambakkam,
Chennai - 600 034. ... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent pertaining to Tender No.MEE/F3/180016/18/MM and quash the impugned letters of the First Respondent dated 25.07.2019 and 30.07.2019 having reference No. MEE/F3/180016/18/MM and consequentially direct the First Respondent to refund the sum of Rs.66,53,779/- (Rupees Sixty Six Lakhs Three Thousand Seven Hundred and Seventy Nine Only) which was permitted by the Petitioner as security deposit on 16.01.2019.

For Petitioner : Mr.Jayesh B.Dolia for
M/s.Aiyar & Dolia
For Respondents: Mr.P.M.Subramaniam (for R1)
Service awaited (for R2)

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>

When it is pointed out that the nature of grievance sought to be ventilated by the Petitioner in the Writ Petition falls within the realm of disputed question of facts, which require to be decided after recording of evidence of the parties on their rival contentions and could not be redressed by invoking the public law remedy following summary procedure under Article 226

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vjt

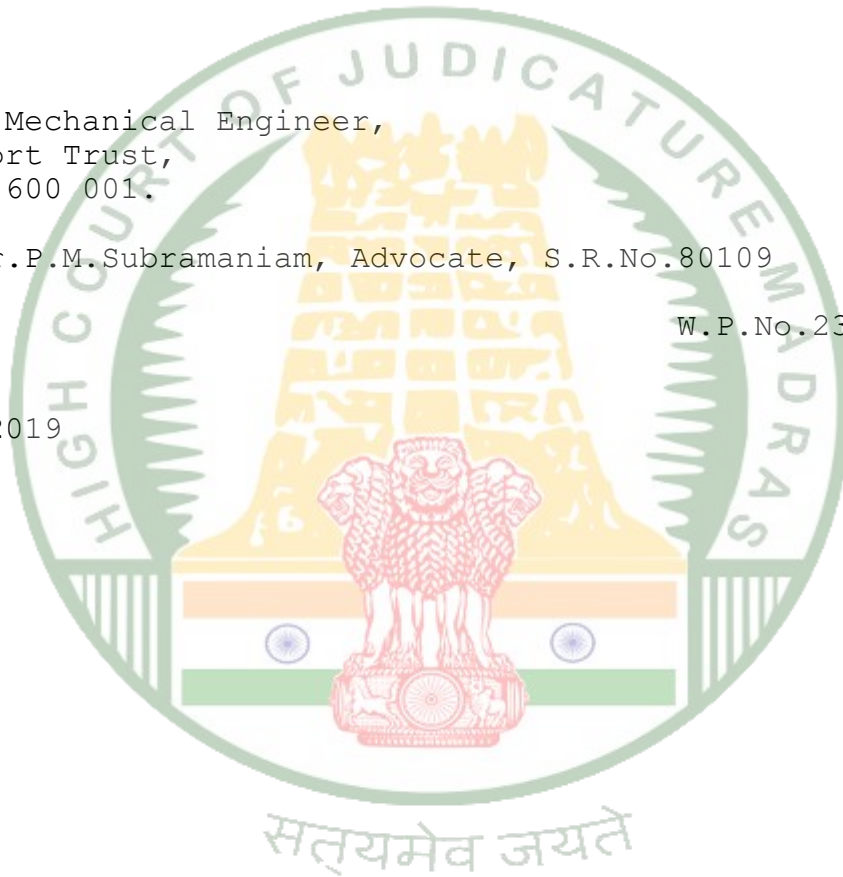
To

The Chief Mechanical Engineer,
Chennai Port Trust,
Chennai - 600 001.

+1cc to Mr.P.M.Subramaniam, Advocate, S.R.No.80109

W.P.No.23570 of 2019

SR(CO)
CS/23/09/2019



WEB COPY