

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.11020 of 2012

M/s.Trans Asian Shipping
Services (P) Ltd.

Rep. by its Branch Manager,
EVS Tower,
2nd Floor,
No.21, Radhakrishnan Salai,
Mylapore,
Chennai - 600 004. Petitioner

Vs

1. The Chairman,
The Tariff Authority for Major Ports,
IV Floor, Bhandar Bhavan,
Mazgaon,
Mumbai - 400 010.

2. The Chennai Container Terminal (P) Ltd.,
Chennai Port Trust,
Administrative Building,
2nd Floor,
Rajaji Salai,
Chennai - 600 001.

3. The Joint Commissioner of Customs,
Office of the Commissioner of Customs,
No.1, Williams Road,
Tiruchirapalli.

4. The Chairman,
Chennai Port Trust,
Chennai. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to consider the Appeal dated 16.06.2011 filed by the Petitioner-company and pass appropriate orders within a time-limit as fixed by this Court after affording full and fair opportunity to the Petitioner company.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondents : R1 -Served - No appearance
Mr.S.Raghunathan for R2
Mr.E.Vijay Anand for R3 -
No appearance
Mr.M.Devendran for R4

ORDER

This writ petition has been filed to direct the first respondent to dispose of the appeal dated 16.06.2011 within a time frame to be fixed by this Court after affording full and fair opportunity to the petitioner.

2. It is the case of the petitioner that certain goods which were found in the Container belonging to the petitioner were confiscated by the third respondent on 14.02.2007.

3. It is the case of the petitioner that the petitioner is the owner of the container and not the confiscated goods. According to them, they are not liable to pay any port storage charges for the period during which the container was confiscated and lying at the port premises. According to the petitioner, the impugned demand issued by the second respondent is arbitrary and illegal. Aggrieved by the same, the petitioner has preferred an appeal before the first respondent, which is still pending on its file. Hence, the petitioner has filed this writ petition for a Mandamus to direct the first respondent to dispose of the appeal within a time frame to be fixed by this Court.

4. Heard Mr.W.M.Abdul Majeed, learned counsel for the petitioner, Mr.S.Raghunathan, learned counsel for the 2nd respondent and Mr.M.Devendran, learned counsel for the 4th respondent.

5. Admittedly, the appeal filed by the petitioner before the first respondent is still pending. The only relief sought for by the petitioner in this writ petition is for a direction to dispose of the appeal pending before the first respondent within a time frame to be fixed by this Court.

6. The relief sought for by the petitioner will not prejudice the interest of any of the parties to this writ petition. Therefore, this Court is inclined to grant the said relief.

7. Accordingly, this Court directs the first respondent to dispose of the appeal dated 16.06.2011, filed by the petitioner

and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording sufficient opportunity to both the petitioner as well as other parties to the appeal including granting them the right of personal hearing.

8. With the aforesaid directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

vsi2

To

1. The Chairman,
The Tariff Authority for Major Ports,
IV Floor, Bhandar Bhavan,
Mazgaon,
Mumbai - 400 010.

2. The Chennai Container Terminal (P) Ltd.,
Chennai Port Trust,
Administrative Building,
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3. The Joint Commissioner of Customs,
Office of the Commissioner of Customs,
No.1, Williams Road,
Tiruchirapalli.

4. The Chairman,
Chennai Port Trust,
Chennai.

+1cc to Mr.W.M.Abdul Majeed, Advocate SR.No.12167

+2cc to Mr.M.Devendran, Advocate SR.No.11674

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BP (CO)
GMY (21/05/2020)